

EXHIBIT 13

1 CHAD MCLARTY

2 IN THE UNITED STATES DISTRICT COURT

3 FOR THE NORTHERN DISTRICT OF MISSISSIPPI

4 OXFORD DIVISION

5
6 JOHN RASH,

7
8 Plaintiff,

9 v.

CIVIL ACTION NO.:
3:20-cv-224-NBB-RP

10 LAFAYETTE COUNTY,
11 MISSISSIPPI,

12 Defendant.

13
14
15 VIDEOTAPED REMOTE DEPOSITION OF

16 CHAD MCLARTY

17 Friday, January 15, 2021

18 9:07 a.m. Central Standard Time

19
20
21
22
23 Reported by:

24 GRETA H. DUCKETT, CCR, RPR, CRR, CVR-S, RVR-M-S

25 JOB NO.: 188452

<p>Page 2</p> <p>1 CHAD MCLARTY</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6 January 15, 2021</p> <p>7 9:07 a.m. Central Standard Time</p> <p>8</p> <p>9 Videotaped remote deposition of</p> <p>10 CHAD MCLARTY, before Greta H. Duckett, CCR,</p> <p>11 RPR, CRR, CVR-S, RVR-M-S.</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 3</p> <p>1 CHAD MCLARTY</p> <p>2 A P P E A R A N C E S</p> <p>3</p> <p>4 FOR THE PLAINTIFF:</p> <p>5</p> <p>6 C. Jackson Williams, Esq.</p> <p>7 PO Box 69</p> <p>8 Taylor, Mississippi 38673</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13 Joshua Tom, Esq.</p> <p>14 ACLU OF MISSISSIPPI</p> <p>15 P.O. Box 2242</p> <p>16 Jackson, Mississippi 39225</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p>Page 4</p> <p>1 CHAD MCLARTY</p> <p>2</p> <p>3 A P P E A R A N C E S</p> <p>4 C O N T I N U E D</p> <p>5</p> <p>6 FOR LAFAYETTE COUNTY, MISSISSIPPI:</p> <p>7</p> <p>8</p> <p>9 David O'Donnell, Esq.</p> <p>10 CLAYTON O'DONNELL</p> <p>11 1403 Van Buren Avenue</p> <p>12 Oxford, Mississippi 38655</p> <p>13</p> <p>14</p> <p>15 ALSO PRESENT:</p> <p>16 Tim Falk, videographer</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 5</p> <p>1 CHAD MCLARTY</p> <p>2 I N D E X</p> <p>3 EXAMINATION INDEX</p> <p>4</p> <p>5 CHAD MCLARTY</p> <p>6 BY MR. WILLIAMS 10</p> <p>7 BY MR. O'DONNELL 112</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

<p>Page 6</p> <p>1 CHAD MCLARTY</p> <p>2 EXHIBIT INDEX</p> <p>3</p> <p>4 EXHIBIT A Google Map 19</p> <p>5 EXHIBIT B Google map 27</p> <p>6 EXHIBIT C Google map 28</p> <p>7 EXHIBIT D Google map 29</p> <p>8 EXHIBIT F Photograph 38</p> <p>9 EXHIBIT G Links to images of Double Decker 42</p> <p>10</p> <p>11 EXHIBIT H 6/15/2020 email; Bates 56</p> <p>12 Lafayette County Doc000393</p> <p>13 to Lafayette County</p> <p>14 Doc000394</p> <p>15 EXHIBIT I Photograph 85</p> <p>16 EXHIBIT J 7/20/2020 Facility Use 62</p> <p>17 Policy</p> <p>18</p> <p>19 EXHIBIT M 10/27/2020 email; Bates 69</p> <p>20 Rash - Sheriffs Department</p> <p>21 Docs - 001 to Rash -</p> <p>22 Sheriffs Department Docs -</p> <p>23 004</p> <p>24</p> <p>25 EXHIBIT N Photograph 110</p>	<p>Page 7</p> <p>1 CHAD MCLARTY</p> <p>2 THE VIDEOGRAPHER: Good</p> <p>3 morning, Counselors. My name is</p> <p>4 Tim Falk. I am a certified legal</p> <p>5 videographer in association with</p> <p>6 TSG Reporting, Incorporated. Due</p> <p>7 to the severity of COVID-19 and</p> <p>8 following the practice of social</p> <p>9 distancing, I will not be in the</p> <p>10 same room as the witness. Instead,</p> <p>11 I will record this videotaped</p> <p>12 deposition remotely. The reporter,</p> <p>13 Greta Duckett, also will not be in</p> <p>14 the same room and will swear the</p> <p>15 witness remotely.</p> <p>16 Do all parties stipulate to</p> <p>17 the validity of this video</p> <p>18 recording and remote swearing and</p> <p>19 that it will be admissible in the</p> <p>20 courtroom as if it had been taken</p> <p>21 following Rule 30 of the Federal</p> <p>22 Rules of Civil Procedures and the</p> <p>23 state's rules where this case is</p> <p>24 pending?</p> <p>25 MR. WILLIAMS: Plaintiff</p>
<p>Page 8</p> <p>1 CHAD MCLARTY</p> <p>2 does.</p> <p>3 MR. O'DONNELL: On behalf of</p> <p>4 the defendants, I don't know what</p> <p>5 you mean by "admissibility." I</p> <p>6 think "use" would be the proper</p> <p>7 term. With that understanding, no</p> <p>8 objection.</p> <p>9 THE VIDEOGRAPHER: Okay.</p> <p>10 Thank you, Counselors.</p> <p>11 This is the start of media</p> <p>12 labeled number 1 of the</p> <p>13 video-recorded deposition of Chad</p> <p>14 McLarty, in the matter of John Rash</p> <p>15 versus Lafayette County,</p> <p>16 Mississippi, in the United States</p> <p>17 District Court, Northern District</p> <p>18 of Mississippi, case number</p> <p>19 3:20-cv-224-NBB-RP.</p> <p>20 This deposition is being held</p> <p>21 via videoconference, with all</p> <p>22 participants appearing remotely due</p> <p>23 COVID-19 restrictions, on Friday,</p> <p>24 January 15th, 2021, at</p> <p>25 approximately 9:09 a.m.</p>	<p>Page 9</p> <p>1 CHAD MCLARTY</p> <p>2 My name is Tim Falk. I am</p> <p>3 the legal video specialist from TSG</p> <p>4 Reporting, Incorporated,</p> <p>5 headquartered at 228 East 45th</p> <p>6 Street, New York, New York. The</p> <p>7 court reporter is Greta Duckett, in</p> <p>8 association with TSG Reporting.</p> <p>9 Counsel, please introduce</p> <p>10 yourselves.</p> <p>11 MR. WILLIAMS: Jack Williams,</p> <p>12 or C. Jackson Williams, counsel for</p> <p>13 plaintiff, John Rash.</p> <p>14 MR. TOM: Joshua Tom for</p> <p>15 plaintiff, John Rash.</p> <p>16 MR. O'DONNELL: David</p> <p>17 O'Donnell, on behalf of Lafayette</p> <p>18 County, Mississippi.</p> <p>19 THE VIDEOGRAPHER: And would</p> <p>20 the court reporter please swear in</p> <p>21 the witness.</p> <p>22 (The witness was sworn.)</p> <p>23 THE VIDEOGRAPHER: And,</p> <p>24 Counsel, before we begin, I just</p> <p>25 wanted to make a record that it</p>

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1 CHAD MCLARTY
2 looks like the Internet connection
3 for the witness is very low, and so
4 I'm not able to get a full screen
5 capture on Zoom, and the audio
6 seems to be garbled as a result.
7 So I just wanted to make sure
8 you're aware of that before we
9 begin.
10 (Technical discussion.)
11 THE VIDEOGRAPHER: Going off
12 the record. The time is 9:11 a.m.
13 (Off-the-record discussion
14 from 9:11 a.m. to 9:13 a.m.)
15 THE VIDEOGRAPHER: We are
16 back on the record. The time is
17 9:13 a.m.
18 CHAD MCLARTY,
19 the witness, having first been duly
20 sworn to speak the truth, the whole truth and
21 nothing but the truth, testified as follows:
22 EXAMINATION
23 BY MR. WILLIAMS:
24 Q. Good morning, Mr. McLarty. My name
25 is Jack Williams. I've lived in Oxford a long

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1 CHAD MCLARTY
2 my feelings, and I will be glad to.
3 But unless you do that, I'm going
4 to assume that, to the best of your knowledge,
5 you understand what I'm saying; is that fair?
6 A. Yes.
7 Q. Okay. And this is -- this is sort
8 of like -- well, it is out-of-court testimony,
9 and so a lot of the rules that apply in a
10 courtroom apply here. And that is, even though
11 David is seated next to you, he's there to
12 interject if I go out of bounds, or he's there
13 to protect the county's interest, but he does
14 not get to testify indirectly.
15 And you understand that, correct?
16 A. Yes.
17 Q. Okay. If you need to stop to use
18 the restroom or if you need to stop to get a
19 drink of water, don't hesitate to give us the
20 time-out, and we'll make reasonable
21 accommodations. Fair enough?
22 A. All right. Fair enough.
23 Q. So what did you do to prepare for
24 today's deposition? And don't tell me anything
25 David may have said to you. Don't share a

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1 CHAD MCLARTY
2 time off and on, but I haven't had the fortune
3 of crossing paths with you before that I know
4 of. I think you're a good bit younger than me,
5 though, so . . .
6 Have you ever been deposed before?
7 A. No, sir, I have not.
8 Q. So this is a new process for you,
9 then?
10 A. Correct.
11 Q. So in -- and I've known David a
12 long time too, and he's a really good attorney.
13 So I'm sure that he's told you on the front end
14 what to expect. But I'm simply going to ask
15 you questions, and your responsibility is to
16 respond as fully and candidly as you can, in
17 light of the question that I ask. You're not a
18 mind reader. And so, you know, you've got to
19 listen to what I'm saying.
20 Sometimes I do not speak as clearly
21 as I should, even though I know I should. So
22 if you are uncertain of the question that I'm
23 asking or you need me to rephrase it, stop and
24 say, Wait a minute, What are you asking, or
25 Would you rephrase that, and you will not hurt

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1 CHAD MCLARTY
2 confidence. But tell me generally how you
3 prepared for the deposition.
4 A. I mean, I met Mr. O'Donnell
5 yesterday afternoon for a little while. Just
6 some general insight about what a deposition is
7 and how to go about it. Of course, I -- he
8 asked me the same question you asked me, had I
9 ever been involved in a deposition or ever been
10 in a -- have I ever testified in any form or
11 fashion. I told him, no, sir, I haven't, but I
12 did watch Law & Order the other night, so I
13 figured I was good to go.
14 Q. Have you ever been a juror before,
15 by any chance?
16 A. I have not.
17 Q. Ever seen a courtroom proceeding
18 other than on the screen?
19 A. No, sir.
20 Q. Okay. Let's get a little bit into
21 your background, just so I can get a feel for
22 what you might know and not know. Where is
23 home? Where did you grow up?
24 A. Born and raised in Oxford,
25 Mississippi.

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1 CHAD MCLARTY

2 Q. In the city limits itself or in

3 Lafayette County?

4 A. In Lafayette County. I grew up in

5 Taylor. I grew up in Taylor, Mississippi.

6 Q. I have a particular fondness for

7 Taylor, Mississippi. Do you still have family

8 there?

9 A. Yes, sir, I do.

10 Q. Do you still live in Taylor?

11 A. I live right outside of Taylor on

12 Highway 7 South, but I maintain the water

13 association for Taylor -- Taylor Water, so I'm

14 down there all the time.

15 Q. I live on -- or county road --

16 gosh, it's been so long since I've been there.

17 COVID has got me down in Jackson. 422 -- I

18 live on old Pine Flat Road.

19 A. I know where it's at.

20 Q. That's a great part of the world.

21 So I'm assuming you went to school

22 in the Lafayette County school system?

23 A. Yes, sir. Class of '92.

24 Q. Class of '78. I told you I'm older

25 than you are.

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1 CHAD MCLARTY

2 Entex at the time. It's now CenterPoint.

3 Worked for them for three years.

4 And then I moved on to the City of

5 Oxford water department. I've been with them

6 for 23 years. I'm the superintendent over

7 water and sewer.

8 I got elected county supervisor in

9 2012. This is my third term. I'm the vice

10 president of the board.

11 I own a construction company called

12 MC Construction, where I employ four full-time

13 employees in the utility field outside of

14 Oxford.

15 Q. I'm not going to dwell deeply in

16 any of that, but I'm going to hit a couple of

17 points. When you went to work with Entex, what

18 did you do? What was your position?

19 A. Well, I maintained the distribution

20 lines for the natural gas company. We were out

21 there installing lines, repairing leaks, things

22 of that nature.

23 Q. Okay. And then you went to work

24 with the City of Oxford in --

25 A. The same principle, just different

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1 CHAD MCLARTY

2 A. A little bit.

3 Q. I have more gray than you, too.

4 And you finished high school, and then what

5 happened?

6 A. I went to Northwest Community

7 College in Senatobia for two years, and I came

8 back and I attended Ole Miss for a year. And

9 then I decided I wanted to do something a

10 little different, so that was the extent of my

11 education.

12 Q. Okay. And so you finished school,

13 and you started on a path to something

14 different, which is certainly a good thing for

15 a lot of us to do. Where did that path take

16 you?

17 A. From start to finish?

18 Q. Well, if it goes on too long, I'll

19 speed it up.

20 A. I mean, I came back home. I got a

21 job as a jailer for the Lafayette County

22 Sheriff's Department for a while.

23 Q. Uh-huh.

24 A. Saw that that wasn't my cup of tea.

25 I went to work for a natural gas company called

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1 CHAD MCLARTY

2 product. Instead of working on gas lines, I

3 was working on water lines.

4 Q. So you're dealing with pipes and

5 topography and maps and just the layout of

6 wherever the service is your employer provides.

7 You're pretty conversant with all of that,

8 then, I would trust, right?

9 A. Yes, sir. Anything to do with the

10 distribution system. Yes, sir.

11 Q. Okay. So -- and you said you were

12 superintendent or supervisor with the city's

13 water and sewage system?

14 A. I'm the superintendent for the City

15 of Oxford water and sewer.

16 Q. Okay. And what does that entail at

17 this point?

18 A. I mean, I lead a 14-man crew on a

19 daily basis, maintain all the infrastructure in

20 the City of Oxford in our water and sewer

21 franchise area. I deal directly with the COO

22 and the city engineer and the mayor of Oxford.

23 Q. Is it fair to say, then, that you

24 know Oxford, the boundaries and the layout,

25 pretty much like the back of your hand?

<p style="text-align: right;">Page 18</p> <p>1 CHAD MCLARTY</p> <p>2 A. Pretty much, yes, sir.</p> <p>3 Q. Okay. Tell me about your initial</p> <p>4 decision to run for the board of supervisors.</p> <p>5 A. It was actually -- it was actually</p> <p>6 a dare at one point in time. My father is a</p> <p>7 justice court judge for Lafayette County and</p> <p>8 has been for over 40 years. We were at a</p> <p>9 wedding reception, and a couple of buddies of</p> <p>10 mine thought it would be a good idea. And so I</p> <p>11 put my name in the hat. I worked hard for it,</p> <p>12 and here I am.</p> <p>13 Q. You've done it for several terms</p> <p>14 now. How has your experience been generally?</p> <p>15 It must be satisfying for you, or you wouldn't</p> <p>16 keep going back to the well.</p> <p>17 A. It's -- you know, it's a unique</p> <p>18 job. It's a job I think every individual ought</p> <p>19 to try at least once in their lives, to run for</p> <p>20 political office. It will really humble you at</p> <p>21 times. I've had the opportunity to meet a lot</p> <p>22 of people that I never would have met before,</p> <p>23 so, yes, sir, I'm -- you know, I -- I like to</p> <p>24 serve my community. I like to do what I can to</p> <p>25 better Lafayette County because this is my</p>	<p style="text-align: right;">Page 19</p> <p>1 CHAD MCLARTY</p> <p>2 home. And, you know, Lafayette County is</p> <p>3 growing leaps and bounds. We seem to be doing</p> <p>4 a pretty good job because people want to come</p> <p>5 here.</p> <p>6 (Exhibit A was marked for</p> <p>7 identification.)</p> <p>8 BY MR. WILLIAMS:</p> <p>9 Q. Yeah. It's changed a lot since</p> <p>10 when I first moved there. It has grown</p> <p>11 remarkably. Well, so with that in mind, I'm</p> <p>12 going to go back to Exhibit A.</p> <p>13 A. I don't know how to pull it up.</p> <p>14 Q. Well, so if I'm lucky, it's on your</p> <p>15 screen.</p> <p>16 A. Yes, sir, it is.</p> <p>17 Q. And do you know what that is?</p> <p>18 A. That's the courthouse square and</p> <p>19 the surrounding area of Oxford.</p> <p>20 Q. I'm not hiding anything. I pulled</p> <p>21 that off of Google Maps. You can see that in</p> <p>22 the upper left-hand corner. I'm not asking you</p> <p>23 to vouch for the -- I don't even know the term</p> <p>24 to use -- the precise measurements or the</p> <p>25 accuracy of the map. But does it fairly</p>
<p style="text-align: right;">Page 20</p> <p>1 CHAD MCLARTY</p> <p>2 represent the way the square and the</p> <p>3 surrounding areas are set out geographically?</p> <p>4 Would you take a minute and look at it and</p> <p>5 determine whether that's true?</p> <p>6 A. Yes, sir, it looks accurate to me.</p> <p>7 Q. Okay. And so in the center -- in</p> <p>8 the middle, just below the center line is the</p> <p>9 Lafayette County courthouse. And that's what</p> <p>10 we know as "the square," right?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Okay. And I see a lot of</p> <p>13 establishments in here. As I said, I've been</p> <p>14 down in Jackson since COVID, and I know things</p> <p>15 may have changed. Some businesses may not have</p> <p>16 survived; some may have. But I'm just going to</p> <p>17 ask you about a few of these in here. Square</p> <p>18 Books -- I'm assuming Square Books and Off</p> <p>19 Square Books and the children's bookstore --</p> <p>20 are they still on the square?</p> <p>21 A. As far as I know. I mean, I know</p> <p>22 Square Books is. I'm not -- I don't know about</p> <p>23 the other two. I'm assuming they are.</p> <p>24 Q. Well, what is -- how would you</p> <p>25 describe Square Books and the other two,</p>	<p style="text-align: right;">Page 21</p> <p>1 CHAD MCLARTY</p> <p>2 assuming they're still in business insofar as</p> <p>3 being part of the community is concerned?</p> <p>4 A. I mean, to me, they're like any</p> <p>5 other retail store in the city. I don't know</p> <p>6 exactly where you're going with that.</p> <p>7 Q. Well, are they -- what about</p> <p>8 Neilson's? And I don't see Neilson's on here,</p> <p>9 but it's in the same building as Tallahatchie</p> <p>10 Gourmet.</p> <p>11 A. It's a retail clothing store. I</p> <p>12 mean, I don't -- I don't give Neilson's any</p> <p>13 more credit than Hinton & Hinton.</p> <p>14 Q. Well, and Hinton & Hinton, too.</p> <p>15 These are all -- what I'm asking in essence is,</p> <p>16 are these all sort of a vibrant part of the</p> <p>17 retail community surrounding the square?</p> <p>18 A. I mean, any retail businesses on</p> <p>19 the square bring people to the square. That</p> <p>20 makes it an attraction. I don't know that one</p> <p>21 has precedence over the other.</p> <p>22 Q. I agree with you completely. So</p> <p>23 but it's fair to say that the square is</p> <p>24 populated with a number of retail</p> <p>25 establishments that attract people to the</p>

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2 square, correct?

3 A. I mean, yeah. I mean, if you're

4 coming -- if that's your cup of tea that day

5 and you want to shop for retail clothing, but

6 there are a lot of other establishments around

7 the square as far as bars and restaurants -- I

8 mean, there's a mix of -- a lot of combinations

9 of things that attract people to the square.

10 Q. Okay. YaYa's Frozen Yogurt in the

11 upper left-hand corner of the courthouse

12 square, are you familiar with it?

13 A. Never been in it, but I am familiar

14 with it.

15 Q. And what is it? Do you know?

16 A. Frozen yogurt, ice cream. Like I

17 said, I've never been inside the building.

18 Q. What about The Blind Pig next to

19 it?

20 A. Pretty good place to eat.

21 Q. Have you ever been in there?

22 A. Yes, sir.

23 Q. Is it popular?

24 A. I mean, I've been in there when

25 there's three or four people, and I've been in

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1 CHAD MCLARTY

2 BY MR. WILLIAMS:

3 Q. What are events that might cause it

4 to be that busy?

5 A. Most of the time, it's

6 university-related stuff, you know, whether

7 it's football, baseball, basketball. You have

8 a Double Decker festival when there's not a

9 COVID issue that brings in a lot of people.

10 And there are other events that I just can't

11 think of right now, but . . .

12 Q. Okay. And there are other times

13 when it's not so busy?

14 A. Yes, sir.

15 Q. And assuming homecoming is 10 on a

16 scale of 1 to 10 insofar as busy is concerned,

17 what is not so busy on a scale of 1 to 10?

18 A. Mr. Williams, I don't -- maybe I'm

19 confused at where you're going with this, but I

20 mean, the City of Oxford square is a vibrant

21 area. There's going to be people up there at

22 all times. Now, whether it's a thousand people

23 or whether it's 10,000 people is just related

24 to what's going on that weekend.

25 Q. When there's a lot of people, they

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1 CHAD MCLARTY

2 there when there's 50 people. I'm assuming,

3 yeah.

4 Q. Okay. I forgot to ask -- no, you

5 told me. I take that back.

6 Do you ever get in the city at

7 nighttime?

8 A. Yes, sir.

9 Q. And what is -- what does the square

10 look like at nighttime on a Thursday, Friday,

11 or Saturday night?

12 A. Mr. Williams, it depends on -- it

13 depends on what's going on, whether it's a

14 football game weekend or baseball game weekend.

15 I mean, there are a lot of different variables

16 of what that square will look like at any given

17 time. That's kind of an open-ended question.

18 Q. Okay. So sometimes it's very busy?

19 A. Yes, sir, sometimes it's so busy,

20 they close down Jackson Avenue and Van Buren,

21 you know, because of all the college kids and

22 the traffic associated with those two roads.

23 Q. And what would cause --

24 (Simultaneous speakers.)

25 ///

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2 need to park, right?

3 A. Yes, sir.

4 Q. Has parking been an issue in the

5 city that you know of?

6 A. It has been an issue. The City of

7 Oxford just recently got through with a parking

8 garage. I don't remember exactly how many cars

9 it parked. 500, maybe. It seems to have

10 really helped, but, like I said, when you've

11 got 10-, 20,000 people coming to the square,

12 even that can get overrun.

13 Q. So on this map, where is the

14 parking garage located? Can you tell me?

15 A. It's north of Monroe Avenue. Might

16 be west of Uptown Coffee.

17 Q. Okay. So on this map, we see four

18 long rectangles that at one point -- right

19 behind Oxford Creamery and Uptown Coffee and

20 north of Monroe -- at one time, those were just

21 empty parking lots -- or parking lots; is that

22 correct?

23 A. That's correct.

24 Q. And the parking garage is in there

25 now?

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2 A. Yes, sir.

3 Q. Let's see what else is up here.

4 Right across from Uptown Coffee, across Lamar

5 Boulevard, what do we have?

6 A. That's the Lafayette County

7 chancery building.

8 Q. Okay. And what's in the chancery

9 building?

10 A. You've got chancery court; you've

11 got your tax assessor's office; you've got

12 Sherry Wall, which is the chancery clerk;

13 you've got Joel Hollowell and them, which is

14 the building -- building codes and zoning

15 regulations; you've got the board of

16 supervisors; the county administrator. I may

17 be leaving somebody out. But that's the

18 majority of them.

19 Q. Mississippi has a unique court

20 system -- a relatively unique court system. Do

21 you know whether the chancery court, which is

22 located in the chancery building, and the

23 circuit court, which is located in the

24 Lafayette County courthouse -- are you able to

25 determine whether they're of equal stature?

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1 CHAD MCLARTY

2 MR. WILLIAMS: I've got to

3 share the screen. Thank you for

4 saying that.

5 BY MR. WILLIAMS:

6 Q. Okay. Now do you see it?

7 A. Yes, sir.

8 Q. And can you tell me what this is?

9 A. It's a satellite imagery of the

10 same map you showed on Exhibit A.

11 Q. So it fairly and accurately

12 represents the layout of Oxford on and around

13 the square. Is that a fair assessment?

14 A. Yes, sir.

15 Q. That was quick. I'm going to bring

16 in a few more.

17 (Exhibit C was marked for

18 identification.)

19 BY MR. WILLIAMS:

20 Q. Mr. McLarty, I have a document that

21 has Exhibit C in the lower corner on your

22 screen.

23 A. I'm looking at it.

24 Q. Can you tell me what that is?

25 A. It looks like the same picture as

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2 Do you have that knowledge?

3 A. No, sir, I do not.

4 Q. Okay. I'm going to move past

5 Exhibit A, and I'm going to bring some other

6 maps up. And they're just Google Maps, but

7 they're the satellite images as opposed to the

8 map image. So I'm going to take Exhibit A off.

9 And I'm going to put a new file in the chat

10 box.

11 And, Mr. McLarty, certainly show

12 the screen to your counsel before we proceed.

13 MR. O'DONNELL: I'm looking

14 over his shoulder, Jack.

15 MR. WILLIAMS: You can see

16 it? Okay.

17 (Exhibit B was marked for

18 identification.)

19 BY MR. WILLIAMS:

20 Q. Mr. McLarty, I'm handing you

21 what -- I put on the screen, if you'll look

22 down on the lower left-hand corner, it says

23 Exhibit B.

24 MR. O'DONNELL: We don't see

25 it.

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2 Exhibit B but zoomed in closer.

3 Q. That's a fair assessment. It's

4 just a zoomed-in satellite photograph of the

5 square and the surrounding area. Is that a

6 fair and accurate representation of how the

7 square and the surrounding streets and

8 buildings are laid out, to the best of your

9 knowledge?

10 A. To the best of my knowledge, yes,

11 sir.

12 Q. If there are changes, they are not

13 remarkable, with the exception of the addition

14 of a parking garage probably; is that fair?

15 A. Yes, sir.

16 Q. It may be Smitty's being torn down,

17 which is a shame.

18 (Exhibit D was marked for

19 identification.)

20 BY MR. WILLIAMS:

21 Q. Okay. Mr. McLarty, this is another

22 Google satellite image, but it's a little

23 different. Can you tell me what it is?

24 A. I mean, it's the center of -- the

25 image is the chancery building, it appears.

<p style="text-align: right;">Page 30</p> <p>1 CHAD MCLARTY</p> <p>2 Q. Okay. And the chancery building is</p> <p>3 the building you described a moment ago that</p> <p>4 houses the chancery court and the board of</p> <p>5 supervisors' office and the tax collector and</p> <p>6 so on?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Okay. And do you see the little</p> <p>9 marker in the upper left-hand corner that says,</p> <p>10 Search Google Maps and See travel times and</p> <p>11 such?</p> <p>12 A. Yes, sir, I do.</p> <p>13 Q. The new parking garage is below</p> <p>14 that, in essence, in what was a parking lot; is</p> <p>15 that fair?</p> <p>16 A. Yes, sir.</p> <p>17 Q. Okay. I am going to take us</p> <p>18 back -- I'll have to see which one it is.</p> <p>19 So I've returned to the exhibit</p> <p>20 that we've marked as C. And this is centered</p> <p>21 on the courthouse square. Will you tell --</p> <p>22 will you describe generally how the courthouse</p> <p>23 is laid out in the square and the grounds?</p> <p>24 A. I mean, basically, the courthouse</p> <p>25 property is an octagon, for the most part, with</p>	<p style="text-align: right;">Page 31</p> <p>1 CHAD MCLARTY</p> <p>2 the south side being extended out where the</p> <p>3 Confederate monument is at.</p> <p>4 Q. Okay. Now there's a south side and</p> <p>5 a north side. Do they both have entrances?</p> <p>6 A. They both have sidewalk entrances,</p> <p>7 yes, sir.</p> <p>8 Q. Okay. And what about -- what about</p> <p>9 the grounds themselves around the courthouse?</p> <p>10 MR. O'DONNELL: Object to</p> <p>11 form. You can answer, if you can.</p> <p>12 A. I mean, the grounds themselves -- I</p> <p>13 mean, you've got sidewalks coming north and</p> <p>14 south, all the way around the courthouse.</p> <p>15 You've got sidewalks that go out to the street</p> <p>16 on the east and west side. There's a dozen or</p> <p>17 so big oak trees and grassy areas in between</p> <p>18 the sidewalk and the fence.</p> <p>19 Q. Are there park benches?</p> <p>20 A. Yes, sir, there are a few park</p> <p>21 benches. I don't remember how many, but . . .</p> <p>22 Q. Now, can you see my cursor move on</p> <p>23 the screen? You may not be able to.</p> <p>24 A. Yes, sir, I can see it.</p> <p>25 Q. Okay. So I'm going around the</p>
<p style="text-align: right;">Page 32</p> <p>1 CHAD MCLARTY</p> <p>2 perimeter of the courthouse grounds. Would you</p> <p>3 describe any fencing?</p> <p>4 A. It's a wrought iron fencing.</p> <p>5 Q. It's been there as long as you've</p> <p>6 been going to the square, I'd bet. Is that a</p> <p>7 fair assessment?</p> <p>8 A. As long as I can remember, yes,</p> <p>9 sir.</p> <p>10 Q. Okay. And so there's wrought iron</p> <p>11 fencing, but there are four entrance ways,</p> <p>12 four -- I'm going to use "gates" momentarily --</p> <p>13 on the north, south, east, and west side of the</p> <p>14 courthouse grounds, right?</p> <p>15 A. There are four openings to the</p> <p>16 courthouse. There are no gates.</p> <p>17 Q. What about entranceways?</p> <p>18 A. What do you mean, Mr. Williams?</p> <p>19 Q. Well, I mean, do -- when David</p> <p>20 wants to defend a client in circuit court or</p> <p>21 sue on behalf of a plaintiff, does he have to</p> <p>22 scale the gates in order to get in the</p> <p>23 courthouse door?</p> <p>24 A. No, sir. There's no gates on the</p> <p>25 wrought iron fencing. There are four openings.</p>	<p style="text-align: right;">Page 33</p> <p>1 CHAD MCLARTY</p> <p>2 The north and the south probably are 6-, 7-foot</p> <p>3 wide entrance, and -- where there's no fencing</p> <p>4 at all. And the east and west side are</p> <p>5 probably a little smaller, but there's no</p> <p>6 gates.</p> <p>7 Q. And outside of each of those</p> <p>8 entranceways, it leads into a crosswalk that</p> <p>9 allows pedestrians to get to or from the</p> <p>10 courthouse. Is that a fair assessment?</p> <p>11 A. That's correct.</p> <p>12 Q. Describe for me the signs on the</p> <p>13 fence that advise people of what access rights</p> <p>14 they have to the courthouse grounds.</p> <p>15 A. I can't, Mr. Williams. I don't --</p> <p>16 I don't -- I don't have an answer to that</p> <p>17 question.</p> <p>18 Q. Do you know whether there are any</p> <p>19 signs that restrict access -- or at least</p> <p>20 announce restriction of access to the grounds,</p> <p>21 other than signs that state that some of the</p> <p>22 parking spots are reserved for the sheriff and</p> <p>23 for deputies and for judges?</p> <p>24 A. The only signs that I can remember</p> <p>25 are reserved parking signs. But there could be</p>

<p style="text-align: right;">Page 34</p> <p>1 CHAD MCLARTY</p> <p>2 others. I'm just not up there every day,</p> <p>3 so . . .</p> <p>4 Q. There are none of which you know?</p> <p>5 A. None of which I know, yes, sir.</p> <p>6 Q. Are there any events that take</p> <p>7 place on and around the square on a regular</p> <p>8 basis that you know of?</p> <p>9 A. On a regular basis? No, sir.</p> <p>10 Q. Did you ever go to the Christmas</p> <p>11 parade when you were young?</p> <p>12 A. Yes, sir, I did.</p> <p>13 Q. I didn't ask whether you have</p> <p>14 children. Do you have children?</p> <p>15 A. I have three.</p> <p>16 Q. Have you taken them to the</p> <p>17 Christmas parade?</p> <p>18 A. Yes, sir.</p> <p>19 Q. So describe the Christmas parade</p> <p>20 for me, if you please.</p> <p>21 A. I mean, Mr. Williams, I guess it's</p> <p>22 like any other parade with Santa Claus at the</p> <p>23 end. I don't know how to describe a parade.</p> <p>24 Marching bands, different floats, throwing</p> <p>25 candy. That's the best I can do.</p>	<p style="text-align: right;">Page 35</p> <p>1 CHAD MCLARTY</p> <p>2 Q. Is it poorly attended?</p> <p>3 A. No, sir. It's a good many people</p> <p>4 up there when the City of Oxford hosts a</p> <p>5 Christmas parade or allows it to be hosted. I</p> <p>6 don't think they actually run it, but, I mean,</p> <p>7 there's -- there's several thousand people.</p> <p>8 Q. I would like to tell you that</p> <p>9 organization is my strong suit, but I'd be</p> <p>10 lying to you.</p> <p>11 A. Fair enough.</p> <p>12 Q. So I'm back to the -- just the map.</p> <p>13 The Christmas parade, where does it begin?</p> <p>14 A. Well, you've got to understand,</p> <p>15 Mr. Williams, my kids are -- my oldest is 25;</p> <p>16 my youngest is 20. So it's been several years</p> <p>17 since I attended a Christmas parade. When I</p> <p>18 did attend, it started at Midtown Shopping</p> <p>19 Center and went to the university. Since then,</p> <p>20 I think it's changed, but I'm --</p> <p>21 Q. So --</p> <p>22 I'm sorry. I don't mean to be</p> <p>23 speaking over you. That's a cardinal sin, and</p> <p>24 Ms. Duckett is going to throw something at me</p> <p>25 through the screen if I continue to do that.</p>
<p style="text-align: right;">Page 36</p> <p>1 CHAD MCLARTY</p> <p>2 So Midtown Shopping Center, it's</p> <p>3 off of this map. It's north of -- on North</p> <p>4 Lamar, correct?</p> <p>5 A. Correct. It's at the intersection</p> <p>6 of North Lamar and Price Street.</p> <p>7 Q. And North Lamar, approximately</p> <p>8 how -- from Jefferson Street to Price Street,</p> <p>9 approximately how far is that? Can you</p> <p>10 reasonably estimate that?</p> <p>11 A. Best guess, a quarter of a mile.</p> <p>12 Q. Okay. And so the parade comes down</p> <p>13 Lamar Boulevard. Does it go around the</p> <p>14 courthouse square?</p> <p>15 A. When I was attending the parade, it</p> <p>16 did go around the west side of the square and</p> <p>17 continue on to South Lamar.</p> <p>18 Q. And then -- so it would continue</p> <p>19 down here to South Lamar, and then we can't see</p> <p>20 it on the map. But would it go to</p> <p>21 University -- would the parade go to University</p> <p>22 Avenue and then turn west and go to the campus?</p> <p>23 A. I mean, years ago, it used to turn</p> <p>24 down University Avenue. But I think that got</p> <p>25 changed where it actually went west to the</p>	<p style="text-align: right;">Page 37</p> <p>1 CHAD MCLARTY</p> <p>2 university campus.</p> <p>3 Q. Okay. And so when you were talking</p> <p>4 about a thousand or more people attending, were</p> <p>5 they on both sides of Lamar, and did they</p> <p>6 populate the courthouse grounds as they watched</p> <p>7 the floats and the parades go by -- the floats</p> <p>8 and the bands?</p> <p>9 A. Again, Mr. Williams, I can't speak</p> <p>10 to that. I mean, yes, they were on both sides</p> <p>11 of North Lamar. I always stood at the Graduate</p> <p>12 Hotel area. That's where I watched the parade,</p> <p>13 and that's as far as I can tell you what</p> <p>14 happened.</p> <p>15 Q. You never saw the parade or crowds</p> <p>16 south of the Graduate Hotel?</p> <p>17 A. No, sir.</p> <p>18 Q. Okay. And the Graduate Hotel on</p> <p>19 the map --</p> <p>20 A. North Lamar and Jefferson.</p> <p>21 Q. It's Jefferson and North Lamar</p> <p>22 Boulevard, right?</p> <p>23 A. Correct.</p> <p>24 Q. Okay. Tell me about Christmas</p> <p>25 lights on the square at Christmastime.</p>

<p style="text-align: right;">Page 38</p> <p>1 CHAD MCLARTY</p> <p>2 A. I mean, that's a City of Oxford</p> <p>3 agenda. I mean, there are lights up, but, I</p> <p>4 mean, I can't speak to anything about them.</p> <p>5 Q. Do they extend to the courthouse?</p> <p>6 A. Yes, sir. There were cables</p> <p>7 installed that allow the Christmas lights to go</p> <p>8 aerial.</p> <p>9 Q. Since you've been a supervisor, has</p> <p>10 there been any discussion as to whether that</p> <p>11 should be permitted?</p> <p>12 A. No, sir.</p> <p>13 Q. Has there been any discussion as to</p> <p>14 whether the lights provide a distraction to</p> <p>15 motorists?</p> <p>16 A. Not to my knowledge.</p> <p>17 (Exhibit F was marked for</p> <p>18 identification.)</p> <p>19 BY MR. WILLIAMS:</p> <p>20 Q. So, Mr. McLarty, I've got a</p> <p>21 document that has Exhibit F at the lower</p> <p>22 left-hand corner. And I doubt you know the</p> <p>23 young lady. Her name is Emma York, though.</p> <p>24 Short of identifying the girl in</p> <p>25 the photograph, do you know what that is?</p>	<p style="text-align: right;">Page 39</p> <p>1 CHAD MCLARTY</p> <p>2 MR. O'DONNELL: Jack, we</p> <p>3 don't -- we don't have a</p> <p>4 photograph.</p> <p>5 MR. WILLIAMS: I guess you're</p> <p>6 not going to go into the</p> <p>7 mind-reading mode. Let me get that</p> <p>8 up. Now do you see Exhibit F?</p> <p>9 MR. O'DONNELL: Yeah.</p> <p>10 BY MR. WILLIAMS:</p> <p>11 Q. Okay. So I'm lowering it right</p> <p>12 now.</p> <p>13 A. Yes, sir. That is the courthouse</p> <p>14 with the Christmas lights attached to it.</p> <p>15 Q. Okay. And what do you see in the</p> <p>16 young woman's hand?</p> <p>17 A. It looks like YaYa's.</p> <p>18 Q. Which is the yogurt store, right?</p> <p>19 A. That's correct.</p> <p>20 Q. Does it startle you to see that</p> <p>21 somebody may have taken a photograph of their</p> <p>22 child under the Christmas lights with --</p> <p>23 A. No, sir, not at all.</p> <p>24 Q. Why not?</p> <p>25 A. I mean, what was the previous --</p>
<p style="text-align: right;">Page 40</p> <p>1 CHAD MCLARTY</p> <p>2 the next question, Mr. Williams?</p> <p>3 Q. Well, are you startled to see a</p> <p>4 photograph of a child underneath all of the</p> <p>5 Christmas lights, eating frozen yogurt on the</p> <p>6 courthouse grounds?</p> <p>7 A. No, sir, I'm not. I mean, it</p> <p>8 appears to be cold in that picture. I don't</p> <p>9 know that I would want frozen yogurt when it's</p> <p>10 cold, but . . .</p> <p>11 Q. Do people wander across the</p> <p>12 courthouse grounds?</p> <p>13 A. Yes, sir, they do.</p> <p>14 Q. And why do they do that?</p> <p>15 A. To get from point A to point B. I</p> <p>16 mean, it's the -- it's the center of the</p> <p>17 square.</p> <p>18 Q. And you can certainly walk around</p> <p>19 the square, but the shortest direction is to</p> <p>20 cut across the grounds; is that fair?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Would you consider the courthouse</p> <p>23 grounds to be an inviting place?</p> <p>24 A. I mean, it's an historical</p> <p>25 building. I mean, it's -- in my eyes, it's</p>	<p style="text-align: right;">Page 41</p> <p>1 CHAD MCLARTY</p> <p>2 aesthetically pleasing. So I mean, yeah,</p> <p>3 personally, but I can't speak for everybody.</p> <p>4 Q. A lot of people probably consider</p> <p>5 it to be an attractive space. Is that a fair</p> <p>6 assessment?</p> <p>7 A. I mean, my opinion, Mr. Williams,</p> <p>8 personally, yes, I would agree.</p> <p>9 Q. I know the city is not a body and</p> <p>10 the county is not a body, but do you know</p> <p>11 whether the county takes pride in the</p> <p>12 courthouse and its appearance and the way that</p> <p>13 it's the center of the community?</p> <p>14 A. Yes, sir, we do.</p> <p>15 Q. And I know you're not Mayor</p> <p>16 Tannehill or part of that governing body, but</p> <p>17 is it fair to say that it's the pride of the</p> <p>18 city also?</p> <p>19 A. I can't speak for them.</p> <p>20 Q. Okay. I've tried to minimize the</p> <p>21 hoops that you have to jump through to see</p> <p>22 these photographs, but you have to jump through</p> <p>23 some hoops for this one. And I'm going to</p> <p>24 apologize on the front end. Well, you're not</p> <p>25 going to be able to do it, because you're not</p>

<p style="text-align: right;">Page 42</p> <p>1 CHAD MCLARTY</p> <p>2 downloading documents. Let me see if I can do</p> <p>3 it another way.</p> <p>4 (Exhibit G was marked for</p> <p>5 identification.)</p> <p>6 MR. WILLIAMS: Okay. So this</p> <p>7 document is not marked as Exhibit</p> <p>8 G. It was meant to be. How do I</p> <p>9 solve that problem for you,</p> <p>10 Ms. Duckett?</p> <p>11 (Technical discussion.)</p> <p>12 BY MR. WILLIAMS:</p> <p>13 Q. So this has two links, and I'm</p> <p>14 going to click them. You can't see my screen,</p> <p>15 I bet, though. Let's fix that.</p> <p>16 Okay. So I have a document, and it</p> <p>17 has links to images of the Double Decker</p> <p>18 festival. And I'm going to click one of them.</p> <p>19 Okay. So do you see the image of the</p> <p>20 courthouse with people all around it on my</p> <p>21 screen?</p> <p>22 A. No, sir, I do not.</p> <p>23 (Technical discussion.)</p> <p>24 Q. So this is the first click on that</p> <p>25 document. Do you see the photograph in the --</p>	<p style="text-align: right;">Page 43</p> <p>1 CHAD MCLARTY</p> <p>2 A. Yes, I see it now.</p> <p>3 Q. And there's certainly no way to</p> <p>4 know whether you were there or I was there.</p> <p>5 But do you recognize what it is?</p> <p>6 A. It appears to be the Double Decker</p> <p>7 festival.</p> <p>8 Q. So tell me about the Double Decker</p> <p>9 festival.</p> <p>10 A. It's a -- it's a city event that</p> <p>11 attracts a lot of people. There are a lot of</p> <p>12 art vendors and different-type vendors that set</p> <p>13 up in the parking lot area. They close off the</p> <p>14 square for vehicular traffic, and it's a nice</p> <p>15 event.</p> <p>16 Q. So if I look at the -- I'm having a</p> <p>17 hard time orienting myself. I'm assuming</p> <p>18 that's probably -- if I look at the upper end,</p> <p>19 I'm assuming that's the northern end of the</p> <p>20 square. I see a stage. Do you know what that</p> <p>21 is?</p> <p>22 A. That's -- to me, that appears to be</p> <p>23 the south side on the upper end. To me, on the</p> <p>24 bottom of the picture, you have First National</p> <p>25 Bank and the Thompson building.</p>
<p style="text-align: right;">Page 44</p> <p>1 CHAD MCLARTY</p> <p>2 Q. I stand corrected, because I see</p> <p>3 City Grocery in the right-hand at about</p> <p>4 2 o'clock. Okay.</p> <p>5 So that stage, do you know the</p> <p>6 function of the stage?</p> <p>7 A. I really don't remember the stage</p> <p>8 being on the south side, but I mean, they bring</p> <p>9 in live -- live music. I mean, they have</p> <p>10 different bands and artists come perform.</p> <p>11 Q. So it's a -- in addition to having</p> <p>12 artists who display their wares -- and we see</p> <p>13 that on the tents on the left and right side of</p> <p>14 the screen -- there are also musicians who play</p> <p>15 on the stage, right?</p> <p>16 A. That's correct.</p> <p>17 Q. Are there people on the courthouse</p> <p>18 grounds during these events?</p> <p>19 A. Yes, sir.</p> <p>20 Q. About how many people could fit on</p> <p>21 the courthouse grounds? Can you assess that?</p> <p>22 A. Mr. Williams, I -- that would be</p> <p>23 like taking a stab in the dark. I don't know.</p> <p>24 Q. More than 10?</p> <p>25 A. Yes, sir. That would be an</p>	<p style="text-align: right;">Page 45</p> <p>1 CHAD MCLARTY</p> <p>2 accurate statement.</p> <p>3 Q. More than 50?</p> <p>4 A. I don't know.</p> <p>5 Q. I'm getting ready to click the</p> <p>6 second link. And I'll have to share the screen</p> <p>7 again. And what do we have here?</p> <p>8 A. The same -- it looks like the same</p> <p>9 event, just a different camera angle zoomed in</p> <p>10 on the courthouse more.</p> <p>11 Q. Are there tents on the courthouse</p> <p>12 square?</p> <p>13 A. It appears to be, yes, sir.</p> <p>14 Q. And people milling around?</p> <p>15 A. Yes, sir.</p> <p>16 Q. It looks like there are a lot of</p> <p>17 tents that are circling the perimeter of the</p> <p>18 square. Do you know what is housed under</p> <p>19 those?</p> <p>20 A. Most of the time, that's the food</p> <p>21 vendors, because the courthouse grounds, years</p> <p>22 ago, was set up to -- to be the power supply</p> <p>23 for most of the vendors that were serving food.</p> <p>24 Q. Okay. And how did that work?</p> <p>25 A. I was not a supervisor at the time</p>

<p style="text-align: right;">Page 46</p> <p>1 CHAD MCLARTY</p> <p>2 when that came to light, but I do know, because</p> <p>3 of my employment with the City of Oxford</p> <p>4 Utilities, that there was a lot of</p> <p>5 infrastructure work done around the courthouse</p> <p>6 to provide power to those vendors.</p> <p>7 Q. Did the county approve that?</p> <p>8 A. I assume, Mr. Williams. That was</p> <p>9 before my time as board supervisor, so . . .</p> <p>10 Q. Well, that is in the county's</p> <p>11 jurisdiction, right or wrong?</p> <p>12 A. The courthouse grounds, yes, sir,</p> <p>13 they're in the county jurisdiction.</p> <p>14 Q. And any changes --</p> <p>15 (Simultaneous speakers.)</p> <p>16 A. Go ahead.</p> <p>17 Q. Any changes to the infrastructure</p> <p>18 that would be the responsibility -- at least</p> <p>19 approval, would be the responsibility of the</p> <p>20 county?</p> <p>21 A. I would think so, yes, sir.</p> <p>22 Q. Now, if I recall correctly -- and</p> <p>23 correct me if I'm mistaken -- you said that on</p> <p>24 some weekends with particularly well-attended</p> <p>25 events, that some of the streets leading into</p>	<p style="text-align: right;">Page 47</p> <p>1 CHAD MCLARTY</p> <p>2 or out of the square are closed off? Do I</p> <p>3 recall that correctly?</p> <p>4 A. Yes, sir. The City of Oxford had</p> <p>5 put up -- they put up bollards and at certain</p> <p>6 points in times, I'm assuming it would be left</p> <p>7 up to the police chief, Jeff McCutchen, on</p> <p>8 whether or not to close the road due to</p> <p>9 pedestrian traffic.</p> <p>10 Q. And I'm going to go back to</p> <p>11 Exhibit A.</p> <p>12 So if we turn to Exhibit A, which</p> <p>13 is just the map, do you have that up on your</p> <p>14 screen now?</p> <p>15 A. Yes, sir.</p> <p>16 Q. Okay. And to the best of your</p> <p>17 recollection, what roads have been barricaded</p> <p>18 to -- I guess, for the benefit of pedestrian</p> <p>19 traffic?</p> <p>20 A. The one road in particular that</p> <p>21 gets closed that I've seen personally is East</p> <p>22 Jackson Avenue, just west of the square.</p> <p>23 Q. Okay. And so looking on this map,</p> <p>24 then, East Jackson Avenue runs -- is the</p> <p>25 northern boundary of the courthouse, correct?</p>
<p style="text-align: right;">Page 48</p> <p>1 CHAD MCLARTY</p> <p>2 A. Correct.</p> <p>3 Q. And so are you saying it's</p> <p>4 barricaded approximately where YaYa's Frozen</p> <p>5 Yogurt is?</p> <p>6 A. No, sir. Further to the west.</p> <p>7 Right there.</p> <p>8 Q. Okay. And so you see where the</p> <p>9 Renasant Bank sign is?</p> <p>10 A. Yes, sir.</p> <p>11 Q. About there?</p> <p>12 A. Correct.</p> <p>13 Q. And to the west, about how far?</p> <p>14 A. I think it goes all the way down to</p> <p>15 Ninth Street.</p> <p>16 Q. So Ninth Street is the street that</p> <p>17 borders the federal courthouse and St. Peter's</p> <p>18 Episcopal, correct?</p> <p>19 A. That's correct.</p> <p>20 Q. Now, if we go south of that area,</p> <p>21 we see Saint Leo's, which I think this was</p> <p>22 their bar, if I remember correctly, and it says</p> <p>23 "takeout." We have Rafters. What is Rafters?</p> <p>24 A. It's a restaurant/bar.</p> <p>25 Q. And then the Library is down here.</p>	<p style="text-align: right;">Page 49</p> <p>1 CHAD MCLARTY</p> <p>2 What's the Library?</p> <p>3 A. It's a restaurant/bar, as well.</p> <p>4 Q. The Library does an enviable</p> <p>5 business. Is that fair to say?</p> <p>6 A. It seems to be a pretty popular</p> <p>7 place.</p> <p>8 Q. Yeah, okay. And so in between the</p> <p>9 Library and this row of buildings right on the</p> <p>10 square, am I correct in recalling that that's</p> <p>11 an alleyway?</p> <p>12 A. Yes, sir.</p> <p>13 Q. Okay. When the square is really</p> <p>14 busy, do you know whether people walk up and</p> <p>15 down and mill around it?</p> <p>16 A. To the best of my knowledge, yes,</p> <p>17 sir. They barricade it off, too.</p> <p>18 Q. Okay. And of course, we have Ajax,</p> <p>19 which that's a restaurant and a bar, correct?</p> <p>20 A. Correct.</p> <p>21 Q. And even though it's not mentioned</p> <p>22 on here, Boure is a restaurant and a bar, and</p> <p>23 it's in the general vicinity of YaYa's; is that</p> <p>24 correct?</p> <p>25 A. Correct.</p>

<p style="text-align: right;">Page 50</p> <p>1 CHAD MCLARTY</p> <p>2 Q. Okay. And adjacent to Square Books</p> <p>3 down here on the southern end, that's City</p> <p>4 Grocery, and it's a high-end restaurant and a</p> <p>5 bar; is that correct?</p> <p>6 A. Correct.</p> <p>7 Q. Have you ever been in the bar</p> <p>8 upstairs?</p> <p>9 A. I have.</p> <p>10 Q. Does it ever fill up?</p> <p>11 A. It wasn't that night.</p> <p>12 Q. You've only been once?</p> <p>13 A. I've only been once. You said it</p> <p>14 was high-end.</p> <p>15 Q. And then down here in the southeast</p> <p>16 quadrant, we have Proud Larry's, and that's a</p> <p>17 restaurant and a bar, right?</p> <p>18 A. Correct.</p> <p>19 Q. Okay. Is it fair to say that -- I</p> <p>20 think that beeping is on my end, and I don't</p> <p>21 know what it is. I'm sorry for the</p> <p>22 distraction.</p> <p>23 Is it fair to say that these are</p> <p>24 all establishments that are popular with people</p> <p>25 who are on the square to celebrate an event?</p>	<p style="text-align: right;">Page 51</p> <p>1 CHAD MCLARTY</p> <p>2 A. Yes, sir, I guess that's a fair</p> <p>3 statement.</p> <p>4 Q. Is it fair to say that's part of</p> <p>5 the reason why this section of East Jackson is</p> <p>6 closed off, is because there are so many people</p> <p>7 milling about?</p> <p>8 A. That would be my take on it,</p> <p>9 Mr. Williams.</p> <p>10 Can I interrupt you a minute to use</p> <p>11 the restroom?</p> <p>12 MR. WILLIAMS: Absolutely.</p> <p>13 THE VIDEOGRAPHER: We're off</p> <p>14 the record. The time is 10:14 a.m.</p> <p>15 (Recess from 10:14 a.m. to</p> <p>16 10:25 a.m.)</p> <p>17 THE VIDEOGRAPHER: We are</p> <p>18 back on the record. The time is</p> <p>19 10:25 a.m.</p> <p>20 BY MR. WILLIAMS:</p> <p>21 Q. Mr. McLarty, before we broke, we</p> <p>22 were discussing the fact that there are some</p> <p>23 times when the square -- can you hear me?</p> <p>24 A. Yes, sir.</p> <p>25 Q. Okay. There are some times when</p>
<p style="text-align: right;">Page 52</p> <p>1 CHAD MCLARTY</p> <p>2 the square is pretty vibrant and active. Is</p> <p>3 that a fair assessment?</p> <p>4 A. That's correct. I mean, when</p> <p>5 college is in session, I mean, it's -- it's</p> <p>6 more than normal.</p> <p>7 Q. Well, so tell me about when college</p> <p>8 is in session. How is it more than normal?</p> <p>9 A. Well, I mean, you get the majority</p> <p>10 of your college kids coming up there at night,</p> <p>11 bar hopping, I mean, for lack of a better word.</p> <p>12 Q. I never did that when I was in</p> <p>13 school. But I understand that to have been the</p> <p>14 case. And on weekends when alumni are in town,</p> <p>15 a lot of parents and kids on the square, eating</p> <p>16 out and going to the bars?</p> <p>17 A. Yes, sir.</p> <p>18 Q. Do you think the Oxford Police</p> <p>19 Department manages that sort of excitement and</p> <p>20 vibrance responsibly?</p> <p>21 A. I mean, from my opinion, for what</p> <p>22 it's worth, you know, I think they do a pretty</p> <p>23 good job. You know, it's a pedestrian</p> <p>24 nightmare up there at times.</p> <p>25 Q. Explain that, please.</p>	<p style="text-align: right;">Page 53</p> <p>1 CHAD MCLARTY</p> <p>2 A. Well, you've got so many people,</p> <p>3 whether it be the majority college-aged kids or</p> <p>4 alumni. I mean, you've only got so many square</p> <p>5 foot of buildings they can get into. And, I</p> <p>6 mean, there's a line, like -- some nights I've</p> <p>7 seen a line at the Library that would stretch</p> <p>8 500 yards long, trying to get in that building.</p> <p>9 Q. Okay. I'm going to pull Exhibit A</p> <p>10 up again. So the Library is the bar -- and I</p> <p>11 guess it's a restaurant, because I think in</p> <p>12 Mississippi you have to serve food.</p> <p>13 A. You have to serve food. That's</p> <p>14 correct.</p> <p>15 Q. But it's on Van Buren on the west</p> <p>16 side of the square and that little alley that</p> <p>17 we were talking about a moment ago, right?</p> <p>18 A. That's correct.</p> <p>19 Q. And so when you say there's a line,</p> <p>20 is it -- does that line extend up the alleyway</p> <p>21 towards --</p> <p>22 A. It goes all the way up the alleyway</p> <p>23 to East Jackson and then will turn, depending</p> <p>24 on the night and who is in charge, I guess,</p> <p>25 whether it goes east or west on Jackson.</p>

<p style="text-align: right;">Page 54</p> <p>1 CHAD MCLARTY</p> <p>2 Q. So it extends a full block, in</p> <p>3 essence, is that -- am I reading the map</p> <p>4 correctly and listening to you correctly?</p> <p>5 A. Yes, sir.</p> <p>6 Q. Okay. I'm in the wrong business.</p> <p>7 Do you know how the Oxford Police</p> <p>8 Department manages crowds like that? I mean,</p> <p>9 do you have any familiarity with or</p> <p>10 understanding generally?</p> <p>11 A. I do not.</p> <p>12 Q. Okay. Have you ever had a chance</p> <p>13 to inquire about it?</p> <p>14 A. No, sir.</p> <p>15 Q. Do you know whether there are any</p> <p>16 cameras on the square? When I say "cameras,"</p> <p>17 cameras that are monitored by the Oxford Police</p> <p>18 Department?</p> <p>19 A. Yes, sir, I know that there are</p> <p>20 cameras. I can't tell you how many.</p> <p>21 Q. Are there any cameras on the</p> <p>22 Lafayette County courthouse grounds?</p> <p>23 A. There are cameras inside the</p> <p>24 building. There's none on the exterior of the</p> <p>25 building, to my knowledge, due to Archives and</p>	<p style="text-align: right;">Page 55</p> <p>1 CHAD MCLARTY</p> <p>2 History not allowing them. But Sheriff East</p> <p>3 has gotten two cameras installed, I believe, on</p> <p>4 city-owned light poles that project on the</p> <p>5 north and south side of the courthouse.</p> <p>6 Q. And when did that happen?</p> <p>7 A. When he took office, right after he</p> <p>8 took office. February -- sometime around that</p> <p>9 general time in 2020.</p> <p>10 Q. February of 2020?</p> <p>11 A. Yes, sir.</p> <p>12 Q. Did he discuss that with the board</p> <p>13 beforehand?</p> <p>14 A. Yes, he did.</p> <p>15 Q. And what did he state?</p> <p>16 A. He just felt like that the camera</p> <p>17 angles that the city had -- because</p> <p>18 Sheriff East used to be the police chief of the</p> <p>19 city -- there were some blind spots around the</p> <p>20 courthouse, and he wanted to try to have a</p> <p>21 better visual view of that. And so we</p> <p>22 authorized him to put up two cameras. Again, I</p> <p>23 don't know exactly where he staged them, but I</p> <p>24 do know that they're not on the building.</p> <p>25 Q. Do you know whether they're</p>
<p style="text-align: right;">Page 56</p> <p>1 CHAD MCLARTY</p> <p>2 monitored by someone in the sheriff's office?</p> <p>3 A. I don't know that for sure, but I</p> <p>4 believe they are on the same fiber line or</p> <p>5 software that goes to OPD, and I think OPD</p> <p>6 monitors it, to the best of my recollection.</p> <p>7 Q. Which I guess makes sense, because</p> <p>8 when things are really vibrant, they're on the</p> <p>9 square anyway, right?</p> <p>10 A. They're in that general vicinity,</p> <p>11 yes, sir.</p> <p>12 Q. Okay. I'm going to shift gears on</p> <p>13 you.</p> <p>14 (Exhibit H was marked for</p> <p>15 identification.)</p> <p>16 BY MR. WILLIAMS:</p> <p>17 Q. Okay. Have I successfully shared</p> <p>18 the screen?</p> <p>19 A. I've got it on my screen, yes, sir.</p> <p>20 Q. Okay. So this is a email from</p> <p>21 Sherry Wall. And what I'm including is a</p> <p>22 document entitled, Order: Amendment To Facility</p> <p>23 Use Ground -- Regarding Use Of Courthouse</p> <p>24 Grounds. And it bears the Lafayette County</p> <p>25 Bates --</p>	<p style="text-align: right;">Page 57</p> <p>1 CHAD MCLARTY</p> <p>2 MR. WILLIAMS: Are they still</p> <p>3 Bates numbers, David?</p> <p>4 MR. O'DONNELL: They should</p> <p>5 be.</p> <p>6 MR. WILLIAMS: I mean, it's</p> <p>7 been so long. Nobody uses stamps</p> <p>8 anymore, though, right?</p> <p>9 MR. O'DONNELL: Right.</p> <p>10 They're electronically affixed.</p> <p>11 You'll see the Bates number is</p> <p>12 actually upside down on your</p> <p>13 document. It's at the top.</p> <p>14 MR. WILLIAMS: So it's</p> <p>15 Lafayette County Doc000394, if I'm</p> <p>16 reading it correctly.</p> <p>17 MR. O'DONNELL: Looks like</p> <p>18 it.</p> <p>19 BY MR. WILLIAMS:</p> <p>20 Q. Mr. McLarty, are you familiar with</p> <p>21 this document?</p> <p>22 A. Yes, sir.</p> <p>23 Q. Tell me what it is.</p> <p>24 A. I mean, it's an amendment to the</p> <p>25 facility use policy regarding the courthouse</p>

<p>Page 58</p> <p>1 CHAD MCLARTY</p> <p>2 grounds.</p> <p>3 Q. And this is a true and authentic --</p> <p>4 let me back up. Strike that.</p> <p>5 Is this the policy that's in place</p> <p>6 now insofar as -- or is this incorporated in</p> <p>7 the usage policy for the courthouse grounds?</p> <p>8 A. The -- the four person -- less than</p> <p>9 four people around the Confederate memorial</p> <p>10 holds true. But I thought we had changed the</p> <p>11 30 days to 14.</p> <p>12 Q. You know, now that you mention it,</p> <p>13 there's a later document that I'll get to</p> <p>14 that -- I think that it states that. But this</p> <p>15 will -- did I hear David in the background?</p> <p>16 A. No, sir.</p> <p>17 Q. Okay. Tell me how this came about.</p> <p>18 A. I mean, Mr. Williams, sometimes</p> <p>19 it's hard to remember what I did last week,</p> <p>20 much less a year ago, eight months ago.</p> <p>21 But we were -- the county</p> <p>22 administrator, we had conversations with her</p> <p>23 because we were -- her office was getting</p> <p>24 flooded at times -- and I don't -- I'm not</p> <p>25 looking at the date on this right now -- but</p>	<p>Page 59</p> <p>1 CHAD MCLARTY</p> <p>2 with permit requests. And, you know, we were</p> <p>3 trying to make it where -- there was so much</p> <p>4 going on at that time frame, if I'm thinking</p> <p>5 when this happened -- that we felt like we</p> <p>6 needed to loosen up on our restrictions,</p> <p>7 because so many people wanted to -- to -- I</p> <p>8 don't know if "protest" is the word I need to</p> <p>9 use -- voice their First Amendment right.</p> <p>10 And we felt like four people could</p> <p>11 do that around the Confederate memorial without</p> <p>12 impeding pedestrian traffic, because the</p> <p>13 crosswalk comes right up to it. Any more than</p> <p>14 four would create a safety hazard, in my</p> <p>15 professional opinion. That's the gist of where</p> <p>16 that came about.</p> <p>17 MR. WILLIAMS: I'm going to</p> <p>18 have to apologize. I've got</p> <p>19 5 percent on my computer. I'm</p> <p>20 going to have to go grab my power</p> <p>21 cord real quickly. I am so sorry.</p> <p>22 Hold that thought.</p> <p>23 THE VIDEOGRAPHER: We are off</p> <p>24 the record. The time is 10:40 a.m.</p> <p>25 (Off-the-record discussion)</p>
<p>Page 60</p> <p>1 CHAD MCLARTY</p> <p>2 from 10:40 a.m. to</p> <p>3 10:42 a.m.)</p> <p>4 THE VIDEOGRAPHER: We are</p> <p>5 back on the record. The time is</p> <p>6 10:42 a.m.</p> <p>7 BY MR. WILLIAMS:</p> <p>8 Q. Mr. McLarty, if I recall correctly,</p> <p>9 you testified that the county administrator</p> <p>10 brought a concern to the board's attention; is</p> <p>11 that correct?</p> <p>12 A. I don't understand that,</p> <p>13 Mr. Williams.</p> <p>14 Q. Well, then let's get me -- let's</p> <p>15 get me in between the lines again.</p> <p>16 How did this issue come to the</p> <p>17 board's attention? And I apologize --</p> <p>18 MR. O'DONNELL: Object to</p> <p>19 form.</p> <p>20 BY MR. WILLIAMS:</p> <p>21 Q. -- if you've answered this, but I</p> <p>22 didn't write it down well enough.</p> <p>23 MR. O'DONNELL: You can</p> <p>24 answer.</p> <p>25 A. We -- the sheriff was in contact</p>	<p>Page 61</p> <p>1 CHAD MCLARTY</p> <p>2 with the county administrator, which relayed</p> <p>3 the sheriff's concerns to us and things that</p> <p>4 were going on at the time. We met as a board</p> <p>5 in executive session and had a discussion about</p> <p>6 it, and we came up with what we felt was a</p> <p>7 policy that would allow some people to stand</p> <p>8 out on the Confederate memorial without having</p> <p>9 to apply for a permit, which the county</p> <p>10 administrator was getting a lot of permit</p> <p>11 requests.</p> <p>12 We felt like we were just laxing</p> <p>13 our policy a little bit to allow somebody to</p> <p>14 express their First Amendment right. And as</p> <p>15 long as they kept it to a small group, we</p> <p>16 didn't feel the need, if they were less than</p> <p>17 four, that -- and they stayed outside of</p> <p>18 courthouse grounds -- if I remember correctly,</p> <p>19 they had to be around the monument itself. If</p> <p>20 it came inside the wrought iron fence, I still</p> <p>21 think that it was one or more.</p> <p>22 But for an organized event would</p> <p>23 require a permit. I might be not correct on</p> <p>24 that, but I think that's the way it was worded.</p> <p>25 I mean, so yes, I mean, it was a conversation</p>

<p style="text-align: right;">Page 62</p> <p>1 CHAD MCLARTY</p> <p>2 between the county administrator, the sheriff,</p> <p>3 and they brought concerns to us.</p> <p>4 Q. Okay. Let's switch gears. And I</p> <p>5 think this document will confirm your</p> <p>6 recollection about the timeline being changed.</p> <p>7 I'm going to go out of sequence, Ms. Duckett.</p> <p>8 This will be Exhibit J.</p> <p>9 (Exhibit J was marked for</p> <p>10 identification.)</p> <p>11 BY MR. WILLIAMS:</p> <p>12 Q. Okay. Mr. McLarty, I have a</p> <p>13 document that's entitled, Facility Use Policy.</p> <p>14 It says, Effective Date: July 20, 2020, and</p> <p>15 Last Reviewed: March 4, 2019.</p> <p>16 If I understand correctly, this is</p> <p>17 the current policy. And what I would like for</p> <p>18 you to do is let David review this with you,</p> <p>19 too. And y'all tell me when you want me to</p> <p>20 move it up so you can verify that I have</p> <p>21 provided the current document. Okay? Because</p> <p>22 it's -- it's easy to get all these confused,</p> <p>23 and I want to make certain we're all on the</p> <p>24 same page.</p> <p>25 MR. O'DONNELL: It looks like</p>	<p style="text-align: right;">Page 63</p> <p>1 CHAD MCLARTY</p> <p>2 it, Jack.</p> <p>3 MR. WILLIAMS: Is that good</p> <p>4 to go?</p> <p>5 MR. O'DONNELL: Yeah.</p> <p>6 BY MR. WILLIAMS:</p> <p>7 Q. Okay. So, Mr. McLarty, can you</p> <p>8 tell me what this is? And tell me when you</p> <p>9 want me to move it up.</p> <p>10 A. It's a facility use policy that we</p> <p>11 had in effect, effective July 20th, 2020.</p> <p>12 Q. Now, it's my understanding that the</p> <p>13 document did not exist in this consolidated</p> <p>14 form on July 20, 2020; is that correct?</p> <p>15 A. I don't know, Mr. Williams. I</p> <p>16 mean, I -- we voted to adopt it. There may</p> <p>17 have been a tweak here and there, but I -- I</p> <p>18 don't know. I mean, I don't guess I</p> <p>19 understand. The document was presented to the</p> <p>20 board of supervisors, and we voted to establish</p> <p>21 this policy.</p> <p>22 MR. WILLIAMS: Can we go off</p> <p>23 the record for just a minute?</p> <p>24 THE VIDEOGRAPHER: Sure. We</p> <p>25 are off the record. The time is</p>
<p style="text-align: right;">Page 64</p> <p>1 CHAD MCLARTY</p> <p>2 10:51 a.m.</p> <p>3 (Off-the-record discussion</p> <p>4 from 10:51 a.m. to</p> <p>5 10:53 a.m.)</p> <p>6 THE VIDEOGRAPHER: We're back</p> <p>7 on the record. The time is</p> <p>8 10:53 a.m.</p> <p>9 MR. O'DONNELL: Okay. This</p> <p>10 is David. Regarding Exhibit J,</p> <p>11 which is the facility use policy</p> <p>12 that's dated -- reflecting July 20,</p> <p>13 2020, revisions, this document was</p> <p>14 finally presented to the board in</p> <p>15 its January 4, 2021 meeting, at</p> <p>16 which time it was reviewed and</p> <p>17 approved, the purpose of which was</p> <p>18 to combine all the changes that the</p> <p>19 board had made during 2020 into one</p> <p>20 document so that it would be one</p> <p>21 document posted on the website,</p> <p>22 which reflected the current version</p> <p>23 of the facility use policy.</p> <p>24 MR. WILLIAMS: Thank you.</p> <p>25 MR. O'DONNELL: Okay.</p>	<p style="text-align: right;">Page 65</p> <p>1 CHAD MCLARTY</p> <p>2 BY MR. WILLIAMS:</p> <p>3 Q. Okay. Mr. McLarty, I am scrolling</p> <p>4 down to page 2. And there's a provision that's</p> <p>5 entitled, Courthouse Grounds. Do you recall</p> <p>6 how this provision came about?</p> <p>7 A. Give me just a second,</p> <p>8 Mr. Williams.</p> <p>9 Q. Take all the time you need.</p> <p>10 A. Mr. Williams, it goes back to what</p> <p>11 we talked about just a few minutes ago with the</p> <p>12 four or less. Due to all the permit</p> <p>13 applications that were coming in, the</p> <p>14 complexity of what was going on at the time in</p> <p>15 2020, you know, in my personal opinion, you</p> <p>16 know, things change, and a lot of times, we try</p> <p>17 to react to different things in this world.</p> <p>18 You know, the Constitution of the</p> <p>19 United States has been amended a bunch of</p> <p>20 times. I don't think you can write everything</p> <p>21 in to cover everything. So we felt a need</p> <p>22 that -- you know, we were having so many</p> <p>23 requests that we allowed a few to stand out in</p> <p>24 front of the Confederate memorial without a</p> <p>25 permit. But if they impeded the sidewalk, then</p>

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2 it would be a violation, or if they interrupted

3 county business, you know, there would have to

4 be something done about it.

5 Q. Now, you mentioned complexity of

6 the time at 2020. And I don't mean to misstate

7 you. If I am, correct me. What did you mean

8 by that?

9 A. You know, outside of COVID, in

10 2020, I think everybody is well aware that

11 there were some ongoing issues, a lot of

12 protests in our country due to various factors.

13 And, I mean, I think you could just pick one if

14 you wanted to. I don't know that I could name

15 them all.

16 Q. Was George Floyd's death one of the

17 reasons --

18 A. Yes, sir. He would be one of the

19 factors, yes, sir.

20 Q. Are there any others that come to

21 mind?

22 A. I mean, you know, there's been so

23 many things going on in 2020. I mean, Breonna

24 Taylor would probably be one of them. There

25 were numerous things that happened to cause a

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2 appear in front of the board?

3 A. Yes, sir. He was in executive

4 session several times in conversations about

5 facility use policy.

6 Q. When you say "several times," more

7 than two?

8 A. I'm going to say yes, off the top

9 of my head, Mr. Williams. The majority of the

10 time, regardless of the conversation we're

11 having, the sheriff is in the room with us in

12 executive session.

13 Q. Do you recall the last time that

14 y'all revisited the four-or-less limit that is

15 contained in this provision that begins,

16 Courthouse Grounds?

17 A. Mr. Williams, I don't -- we

18 adopted -- I mean, we proposed that or adopted

19 that in July of last year. I don't recall

20 another conversation about the four-or-less

21 since then. I think everybody was fairly happy

22 with the way it was working. If there was a

23 conversation, I don't remember.

24 Q. Now, no courthouse business is

25 conducted around the Confederate soldier; is

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2 lot of friction in our society. I mean, I --

3 I'm sure there were countless other things, but

4 I just -- people were very passionate on either

5 side of the fence, and, you know, it caused a

6 lot of people to want to come voice their

7 opinion, their First Amendment right, which,

8 you know, is fine.

9 We were just trying to -- trying to

10 react to what was going on. I don't know how

11 else to phrase it.

12 Q. Do you have an opinion as to

13 whether the policy should reflect what is going

14 on at a given time?

15 A. Mr. Williams, I don't know that I

16 have an opinion on it, but, I mean, it's --

17 it's our job as county supervisors and -- you

18 know, to try to take advice from the county

19 administrator and sheriff. And that's the road

20 we tried to go down. I mean, we listened to

21 the ones we put in that position for advice and

22 input, and these were the things the sheriff

23 had had conversations with us about -- and the

24 county administrator.

25 Q. Did the sheriff ever personally

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2 that correct?

3 A. I mean, there's no business

4 conducted around the Confederate memorial, but

5 there are people coming in and out of that

6 south entrance to get to business in the

7 courthouse, yes.

8 Q. And there are three other ways to

9 get onto the courthouse grounds, in addition to

10 that south entrance. That's correct, isn't it?

11 A. That's correct. But if I just had

12 my coffee at Square Books, I don't want to walk

13 around it. I want to take the path of least

14 resistance.

15 Q. Now, the language in here says that

16 it's primarily a place of court business.

17 A. That's correct.

18 Q. But it's not exclusively a place of

19 court business; is that correct?

20 A. No, sir. I mean, you've got the

21 election commissioners, you know, circuit

22 clerk, the election process, marriage license,

23 things of that nature.

24 (Exhibit M was marked for

25 identification.)

<p style="text-align: right;">Page 70</p> <p>1 CHAD MCLARTY</p> <p>2 BY MR. WILLIAMS:</p> <p>3 Q. Okay. Mr. McLarty, I'm handing you</p> <p>4 a document that has Exhibit M at the bottom,</p> <p>5 and it also says, Rash - Sheriff's Department,</p> <p>6 docs 1, 2, 3, and 4.</p> <p>7 And tell me when you want me to</p> <p>8 scroll up so you can read these. Okay? So you</p> <p>9 can get through it.</p> <p>10 A. Mr. Williams, I can't read anything</p> <p>11 that says.</p> <p>12 Q. Okay. I'm just showing it to you.</p> <p>13 This is how it was produced to us.</p> <p>14 A. All right.</p> <p>15 Q. Okay.</p> <p>16 A. Okay.</p> <p>17 Q. Okay. So do you know what this</p> <p>18 series of documents is?</p> <p>19 A. Not really. I mean, it seems to be</p> <p>20 communication between the sheriff and Chief</p> <p>21 McCutchen and the university police chief.</p> <p>22 Q. So on this last page, there's a</p> <p>23 statement that says, It's Deannie McLarty doing</p> <p>24 a prayer meeting on the courthouse lawn on</p> <p>25 the 9th. And it's dated July 28th. So I'm</p>	<p style="text-align: right;">Page 71</p> <p>1 CHAD MCLARTY</p> <p>2 assuming that it's August 9 of 2020.</p> <p>3 Does that refresh your</p> <p>4 recollection?</p> <p>5 A. No, sir. I was not part of this</p> <p>6 email correspondence, so, I mean, this is the</p> <p>7 first time I've seen it.</p> <p>8 Q. Who is Deannie McLarty? Do you</p> <p>9 know?</p> <p>10 A. That's my sister.</p> <p>11 Q. So do you know anything about her</p> <p>12 having prayer meetings on the courthouse lawn?</p> <p>13 A. Yes, sir. I'm aware that she</p> <p>14 applied for a permit and had prayer meetings</p> <p>15 with several of the ministers in this</p> <p>16 community.</p> <p>17 Q. Okay. And so tell me about that,</p> <p>18 what you know.</p> <p>19 A. Mr. Williams, all I know is the</p> <p>20 event occurred. I was not in attendance.</p> <p>21 Q. Did she talk to you about it?</p> <p>22 A. She asked me one time over the</p> <p>23 phone what I thought about it, and I said I</p> <p>24 thought it was a good idea.</p> <p>25 Q. And how did she describe it when</p>
<p style="text-align: right;">Page 72</p> <p>1 CHAD MCLARTY</p> <p>2 she spoke with you about it over the phone?</p> <p>3 A. I mean, she was excited about it,</p> <p>4 Mr. Williams. It's something she's pretty</p> <p>5 passionate about.</p> <p>6 Q. Did she describe the clergy who</p> <p>7 would be in attendance?</p> <p>8 A. The main one that I'm aware of is</p> <p>9 Fish Robinson.</p> <p>10 Q. And you will probably have to spell</p> <p>11 that for Ms. Duckett, just to make certain she</p> <p>12 gets the name down correctly.</p> <p>13 A. It's Fish, F-I-S-H. Robinson,</p> <p>14 R-O-B-I-N-S-O-N.</p> <p>15 Q. And what congregation or church</p> <p>16 does --</p> <p>17 A. He's the pastor of Community Church</p> <p>18 in Oxford.</p> <p>19 Q. Was there anybody else on the --</p> <p>20 A. Mr. Williams, I was not in</p> <p>21 attendance, so I don't know.</p> <p>22 Q. Did she state that it would be only</p> <p>23 one?</p> <p>24 A. She did not advise me either way.</p> <p>25 Q. Well, when you were able -- on what</p>	<p style="text-align: right;">Page 73</p> <p>1 CHAD MCLARTY</p> <p>2 did you base your opinion to her that it would</p> <p>3 be a good idea, then?</p> <p>4 A. Mr. Williams, I believe in the</p> <p>5 power of prayer. I'm a religious man, so . . .</p> <p>6 Q. Did the courthouse lawn seem -- and</p> <p>7 I'm not trying to -- I'm not being dismissive.</p> <p>8 So if that tone -- I want to make certain that</p> <p>9 you understand that that's not the tone of my</p> <p>10 question.</p> <p>11 But did it seem to you that the</p> <p>12 courthouse lawn was an appropriate place to</p> <p>13 celebrate faith and to draw upon faith?</p> <p>14 A. I mean, Mr. Williams, I believe</p> <p>15 anywhere is an appropriate place, to be honest</p> <p>16 with you.</p> <p>17 Q. Some people believe you can pray</p> <p>18 wherever you are. Is that -- does that meet</p> <p>19 with your beliefs?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Did she speak with you after the</p> <p>22 prayer meeting?</p> <p>23 A. I mean, yes, sir. She's my sister,</p> <p>24 so we would have spoken.</p> <p>25 Q. Did she speak with you about the</p>

<p style="text-align: right;">Page 74</p> <p>1 CHAD MCLARTY</p> <p>2 prayer meeting after the prayer meeting?</p> <p>3 A. I do not recall. I don't recall.</p> <p>4 Q. Is it fair to say that that was not</p> <p>5 county business, though?</p> <p>6 MR. O'DONNELL: Object to</p> <p>7 form. You can answer.</p> <p>8 A. Yes, that was not county business.</p> <p>9 Q. Now this, definition of "courthouse</p> <p>10 grounds" on page 2 of -- and let me get back to</p> <p>11 the exhibit. I believe it's Exhibit J. Do I</p> <p>12 have Exhibit J up? Yes.</p> <p>13 Do I have -- am I sharing page 2 of</p> <p>14 Exhibit J, where you can see the "courthouse</p> <p>15 grounds" definition?</p> <p>16 A. Yes, sir.</p> <p>17 Q. That does not include the chancery</p> <p>18 courthouse, am I correct?</p> <p>19 A. The building itself?</p> <p>20 Q. Well, this definition that says</p> <p>21 "courthouse grounds," does that include the</p> <p>22 chancery court building and the grounds</p> <p>23 surrounding the building?</p> <p>24 A. No.</p> <p>25 Q. I'm moving down to page 3 of</p>	<p style="text-align: right;">Page 75</p> <p>1 CHAD MCLARTY</p> <p>2 Exhibit J, and I'm looking at the section that</p> <p>3 has the subheading, Applications for Usage.</p> <p>4 And the second bullet point reads,</p> <p>5 "Applications should be submitted to the county</p> <p>6 administrator at least 14 days in advance of</p> <p>7 the day needed."</p> <p>8 How was that 14-day period arrived at?</p> <p>9 A. The board had conversations, again,</p> <p>10 with the sheriff and the county administrator,</p> <p>11 and we felt like the 30-day previous</p> <p>12 application process was too long. We felt like</p> <p>13 14 days was adequate enough time for the</p> <p>14 sheriff to do whatever he needed to do on his</p> <p>15 side to make sure that there was not going to</p> <p>16 be an issue or any additional manpower, et</p> <p>17 cetera. That's how it came about.</p> <p>18 Q. Do you know what the sheriff or</p> <p>19 what the county administrator would do in those</p> <p>20 14 days in order to determine whether the</p> <p>21 application could be honored?</p> <p>22 A. Mr. Williams, I can't speak for</p> <p>23 them. They had a job to do, and I can't tell</p> <p>24 you exactly what they were doing. But I'm sure</p> <p>25 researching, stuff of that nature.</p>
<p style="text-align: right;">Page 76</p> <p>1 CHAD MCLARTY</p> <p>2 Q. Do you know what sort of research</p> <p>3 they conducted?</p> <p>4 A. No, sir.</p> <p>5 Q. Did you look at any research they</p> <p>6 conducted?</p> <p>7 A. No, sir.</p> <p>8 Q. Did you listen to their explanation</p> <p>9 of the research they conducted?</p> <p>10 A. I would listen to the sheriff's</p> <p>11 advice. If he felt like a permit needed to be</p> <p>12 denied, then that's what we followed suit with.</p> <p>13 Q. So within that same subheading</p> <p>14 entitled, Applications for Usage, turning to</p> <p>15 the last bullet point, it reads in pertinent</p> <p>16 part, "The county administrator may shorten or</p> <p>17 waive the 14-day permit application requirement</p> <p>18 for proposed uses which demonstrate an urgent</p> <p>19 need for use of the county facility, such as</p> <p>20 the desire to demonstrate or engage in speech</p> <p>21 protected by the First Amendment, motivated by</p> <p>22 events or issues suggesting a need for</p> <p>23 immediate demonstration or expression, subject</p> <p>24 to reasonable time, place and manner</p> <p>25 restrictions."</p>	<p style="text-align: right;">Page 77</p> <p>1 CHAD MCLARTY</p> <p>2 What is your understanding of what</p> <p>3 a reasonable time, place, and manner</p> <p>4 restriction is?</p> <p>5 A. As far as how it relates to that</p> <p>6 section?</p> <p>7 Q. Sure.</p> <p>8 A. I mean, if something --</p> <p>9 Mr. Williams, if something came up, like it</p> <p>10 says, it's First Amendment motivated by</p> <p>11 issues -- and I think we had several of those</p> <p>12 when we took a vote on the Confederate memorial</p> <p>13 relocation -- that some of these people didn't</p> <p>14 have time. They didn't have 14 days to</p> <p>15 exercise their First Amendment right and to</p> <p>16 protest. And I believe the county</p> <p>17 administrator waived several of those. So, I</p> <p>18 mean, there are certain things that happened</p> <p>19 that, you know, as long as the county</p> <p>20 administrator and the sheriff are comfortable</p> <p>21 with it, I think that process can be moved up</p> <p>22 from the 14 days, if need be.</p> <p>23 Q. Is it fair to say, then, that the</p> <p>24 discretion to waive the 14 days rests with the</p> <p>25 sheriff and the county administrator?</p>

<p style="text-align: right;">Page 78</p> <p>1 CHAD MCLARTY</p> <p>2 A. It rests solely with the county</p> <p>3 administrator, on the sheriff's advice.</p> <p>4 Q. Does the county administrator have</p> <p>5 any guidance that must be considered other than</p> <p>6 the sheriff's advice?</p> <p>7 A. I mean, Mr. Williams, Lisa Carwyle,</p> <p>8 our county administrator, works at the will and</p> <p>9 pleasure of the board, yes. But at the end of</p> <p>10 the day, we dedicated her in this position, and</p> <p>11 it is in her authority that she goes through</p> <p>12 permit applications. We added an appeal clause</p> <p>13 to this facility use policy in case there was</p> <p>14 an issue that needed to be addressed in front</p> <p>15 of the board of supervisors. We have never --</p> <p>16 in my nine years of being on the board of</p> <p>17 supervisors, I don't ever remember hearing an</p> <p>18 appeal for denial of a permit.</p> <p>19 Q. Now, do you recall when the appeal</p> <p>20 provision was added?</p> <p>21 A. It was just recently added, this</p> <p>22 last amendment, as far as actual language in</p> <p>23 the facility use permit application or process.</p> <p>24 It's always been out there. Any constituent or</p> <p>25 any citizen or anybody coming in could always</p>	<p style="text-align: right;">Page 79</p> <p>1 CHAD MCLARTY</p> <p>2 appeal to the board of supervisors by getting</p> <p>3 on the agenda.</p> <p>4 Q. So I'm looking on page 3 of</p> <p>5 Exhibit J. Have I moved that up so that you</p> <p>6 can see it, too?</p> <p>7 A. Yes, sir.</p> <p>8 Q. And so there's a provision that has</p> <p>9 the subheading, Denial of Proposed Usage. Is</p> <p>10 this the appeal provision to which you</p> <p>11 referred?</p> <p>12 A. It is.</p> <p>13 Q. And when you -- and correct me if</p> <p>14 I'm misquoting you. When you state that it was</p> <p>15 recently incorporated in the official language,</p> <p>16 do you remember approximately when "recently"</p> <p>17 was?</p> <p>18 A. I don't have them all in front of</p> <p>19 me. I mean, I -- without looking at them all</p> <p>20 right now, Mr. Williams, I can't tell you</p> <p>21 exactly when it was.</p> <p>22 Q. Was it the start of 2020?</p> <p>23 A. Like I said, not looking at them, I</p> <p>24 don't know.</p> <p>25 Q. Middle of 2020?</p>
<p style="text-align: right;">Page 80</p> <p>1 CHAD MCLARTY</p> <p>2 A. Again, I don't know.</p> <p>3 Q. So I'm on page 2 of Exhibit J, and</p> <p>4 I'm looking at a provision that has the</p> <p>5 subheading, Scope of and Restrictions on Use.</p> <p>6 A. I see it.</p> <p>7 Q. Okay. And the last sentence reads,</p> <p>8 "Use of the county courthouse exterior grounds</p> <p>9 is prohibited between 30 minutes before dusk</p> <p>10 through and until dawn."</p> <p>11 How did this come about?</p> <p>12 A. On the sheriff's advice.</p> <p>13 Q. So why did the sheriff advise that?</p> <p>14 A. We would have so many deputies that</p> <p>15 worked rotation or shifts, so many did at</p> <p>16 night. The sheriff was having a hard time</p> <p>17 delegating manpower to the rest of the county</p> <p>18 with some things going on around the courthouse</p> <p>19 square at the time. So on his advice, we added</p> <p>20 that language into the facility use policy.</p> <p>21 Q. So before dusk, he has plenty of</p> <p>22 manpower, but after dusk, he does not?</p> <p>23 A. According to his statement to me.</p> <p>24 Q. Do you know whether the deputies</p> <p>25 and the people under his control, whether their</p>	<p style="text-align: right;">Page 81</p> <p>1 CHAD MCLARTY</p> <p>2 shifts change with -- when the sun sets?</p> <p>3 A. Mr. Williams, I don't know exactly</p> <p>4 when their rotations are changed. You would</p> <p>5 have to ask the sheriff that question. I just</p> <p>6 know that between all the pedestrian issues</p> <p>7 they were having on the square with the City of</p> <p>8 Oxford, you know, and the traffic issues, it</p> <p>9 was a safety issue to the sheriff. And he felt</p> <p>10 like we needed to close the courthouse grounds.</p> <p>11 Q. Now, I'm returning back to the</p> <p>12 document that was previously marked as</p> <p>13 Exhibit C. And this is the satellite view of</p> <p>14 the square, correct?</p> <p>15 A. Correct.</p> <p>16 Q. The county contends that it owns</p> <p>17 the courthouse itself and the grounds</p> <p>18 immediately surrounding the courthouse and the</p> <p>19 sidewalk around the perimeter of the</p> <p>20 courthouse; is that correct?</p> <p>21 A. That's correct.</p> <p>22 Q. But insofar as Lamar Boulevard is</p> <p>23 concerned -- that surrounds either side of the</p> <p>24 courthouse. The county does not own Lamar</p> <p>25 Boulevard, does it?</p>

<p style="text-align: right;">Page 82</p> <p>1 CHAD MCLARTY</p> <p>2 A. It depends on who you ask. We</p> <p>3 don't maintain it.</p> <p>4 Q. Does the city exercise jurisdiction</p> <p>5 over Lamar Boulevard?</p> <p>6 A. They do.</p> <p>7 Q. Do the police officers issue</p> <p>8 traffic citations and jaywalking tickets and</p> <p>9 speeding tickets for violations that occur on</p> <p>10 Lamar Boulevard?</p> <p>11 A. I'm assuming they do. I never had</p> <p>12 one.</p> <p>13 Q. We spoke about pedestrian issues;</p> <p>14 we spoke about traffic issues. Was any</p> <p>15 additional justification given for enacting the</p> <p>16 curfew on the Lafayette County courthouse</p> <p>17 grounds at dusk?</p> <p>18 A. I don't know that I would call it a</p> <p>19 curfew, Mr. Williams. I mean, it's just a</p> <p>20 closure. Curfew reminds me of having to be</p> <p>21 home at a certain time. We've had various</p> <p>22 different acts of vandalism over the years. I</p> <p>23 mean, you've got to understand, you've got a</p> <p>24 lot of -- a lot of people up there that are</p> <p>25 coming through that general area that are</p>	<p style="text-align: right;">Page 83</p> <p>1 CHAD MCLARTY</p> <p>2 intoxicated. And the sheriff just felt like it</p> <p>3 was best to close off the grounds at night.</p> <p>4 Q. So what deliberation has been given</p> <p>5 to installing gates on the openings so that the</p> <p>6 courthouse grounds can be secured and closed at</p> <p>7 night?</p> <p>8 A. We have had an open discussion</p> <p>9 about it amongst several of the supervisors.</p> <p>10 We've talked to Sheriff East about it. He</p> <p>11 would love to pursue that option. I don't</p> <p>12 remember if we asked the county administrator</p> <p>13 to reach out to Archives and History, because</p> <p>14 I'm sure that's something that would have to go</p> <p>15 through them in order for us to do that. So</p> <p>16 right now, I would say that's still pending.</p> <p>17 Q. What discussion has been had about</p> <p>18 erecting signs advising the public that the</p> <p>19 courthouse grounds are closed at dusk?</p> <p>20 A. To my knowledge, right now there</p> <p>21 are signs being made, and they will be put up</p> <p>22 in the near future.</p> <p>23 Q. And when did that decision occur?</p> <p>24 A. I mean, Mr. Williams, I don't</p> <p>25 remember an actual board action just yet. I</p>
<p style="text-align: right;">Page 84</p> <p>1 CHAD MCLARTY</p> <p>2 mean, it was a conversation between a</p> <p>3 supervisor and the county administrator and the</p> <p>4 sheriff. If it requires board action, then</p> <p>5 that will happen really soon, too. But I'm</p> <p>6 going to say the county administrator has the</p> <p>7 authority to put the signs up without a board</p> <p>8 action.</p> <p>9 Q. Do you recall when this</p> <p>10 conversation took place approximately?</p> <p>11 A. No, sir, I do not.</p> <p>12 Q. Did it take place in July?</p> <p>13 A. Yeah. I mean, the sheriff had a</p> <p>14 conversation about it in July.</p> <p>15 Q. Now, the chancery grounds -- the</p> <p>16 chancery building and the grounds upon which it</p> <p>17 is included are not part of this dusk-to-dawn</p> <p>18 closure described --</p> <p>19 A. Is that the end of your question?</p> <p>20 Q. No. No. I'm looking for a</p> <p>21 document. Okay.</p> <p>22 So the scope and restrictions of</p> <p>23 use that we looked at in Exhibit J, which says</p> <p>24 that use of the county courthouse exterior</p> <p>25 grounds is prohibited between 30 minutes before</p>	<p style="text-align: right;">Page 85</p> <p>1 CHAD MCLARTY</p> <p>2 dusk through and until dawn, that does not</p> <p>3 include the grounds upon which the chancery</p> <p>4 building is situated. Am I correct in</p> <p>5 understanding that?</p> <p>6 A. You are correct.</p> <p>7 (Exhibit I was marked for</p> <p>8 identification.)</p> <p>9 BY MR. WILLIAMS:</p> <p>10 Q. I'm attempting to share Exhibit I.</p> <p>11 Have I succeeded?</p> <p>12 A. I've got it, Mr. Williams.</p> <p>13 Q. Okay. So would you tell me what</p> <p>14 this is?</p> <p>15 A. That's the chancery building, or</p> <p>16 better known as Plunk Palace.</p> <p>17 Q. Better known as what?</p> <p>18 A. Plunk Palace.</p> <p>19 Q. P-L-U-N-C-K?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Was he the county administrator?</p> <p>22 You're going to have to refresh my memory.</p> <p>23 A. He was the circuit clerk for</p> <p>24 Lafayette County for -- I mean, the chancery</p> <p>25 clerk for, God --</p>

<p style="text-align: right;">Page 86</p> <p>1 CHAD MCLARTY</p> <p>2 Q. Forever.</p> <p>3 A. 25, 30 years.</p> <p>4 Q. Yeah. You know, I've never done</p> <p>5 any chancery work to speak of, so I never had</p> <p>6 to interact with that court. But as soon as</p> <p>7 you said "Plunk," I went, Oh, I know that's a</p> <p>8 significant figure.</p> <p>9 Okay. So this is Exhibit I,</p> <p>10 page 1, and what do we see?</p> <p>11 A. That's the Lafayette County</p> <p>12 chancery building.</p> <p>13 Q. And this is the front of the</p> <p>14 building, correct?</p> <p>15 A. Correct.</p> <p>16 Q. And it faces onto Lamar?</p> <p>17 A. Correct.</p> <p>18 Q. And we go to page 2 of the exhibit,</p> <p>19 and what do we see?</p> <p>20 A. We're looking south on North Lamar</p> <p>21 towards the county courthouse.</p> <p>22 Q. And on the left side of this photo</p> <p>23 is the chancery building, and on the right side</p> <p>24 of the photo are a number of commercial</p> <p>25 establishments, and Grady Tollison's office is</p>	<p style="text-align: right;">Page 87</p> <p>1 CHAD MCLARTY</p> <p>2 down there in his space. Is that a fair</p> <p>3 assessment?</p> <p>4 A. Yes, sir.</p> <p>5 Q. Okay. So there is a large</p> <p>6 crosswalk that runs across Lamar, correct?</p> <p>7 A. Correct.</p> <p>8 Q. Now, if we get this building on</p> <p>9 the -- across from the court building, and</p> <p>10 there's several panes of glass in a door</p> <p>11 leading into an establishment on the southwest</p> <p>12 side of that building, do you know what that</p> <p>13 establishment is?</p> <p>14 A. Coffee place, maybe.</p> <p>15 Q. Pardon?</p> <p>16 A. A coffee place, maybe?</p> <p>17 Q. Yeah. Have you ever been in there?</p> <p>18 A. Maybe once.</p> <p>19 Q. Do you know how late it stays open?</p> <p>20 A. I have no idea.</p> <p>21 Q. Okay. Around the corner, I believe</p> <p>22 there's a place called The Growler. At least</p> <p>23 there used to be. Do you know whether that's</p> <p>24 true?</p> <p>25 A. As far as I know, it's still there.</p>
<p style="text-align: right;">Page 88</p> <p>1 CHAD MCLARTY</p> <p>2 Q. And what is The Growler?</p> <p>3 A. It's a craft beer specialty place.</p> <p>4 Q. Okay.</p> <p>5 A. I have been there before.</p> <p>6 Q. I haven't been in a long time, but</p> <p>7 I used to like their selection. I do remember</p> <p>8 that much.</p> <p>9 So if we keep heading south,</p> <p>10 there's a tan building that in 2020 looks a</p> <p>11 little bit out of place. And then immediately</p> <p>12 beyond that is a three-story red brick</p> <p>13 building. Are you with me?</p> <p>14 A. Yes, sir. The Thompson House.</p> <p>15 Q. Okay. And The Blind Pig is in the</p> <p>16 basement of that building, isn't it?</p> <p>17 A. That's correct.</p> <p>18 Q. Okay. Now, The Blind Pig is a bar</p> <p>19 and sandwich place, correct?</p> <p>20 A. Correct.</p> <p>21 Q. Okay. I'm looking at page 3 of</p> <p>22 Exhibit I. And what do I see?</p> <p>23 A. You're looking east on Monroe.</p> <p>24 You're looking at the south side of the</p> <p>25 chancery building.</p>	<p style="text-align: right;">Page 89</p> <p>1 CHAD MCLARTY</p> <p>2 Q. Okay. And I'm on page 4 of</p> <p>3 Exhibit I. And what am I looking at?</p> <p>4 A. The east side of the chancery</p> <p>5 building and employee parking.</p> <p>6 Q. Do people ever park in the parking</p> <p>7 spots associated with the chancery building</p> <p>8 after chancery hours?</p> <p>9 A. I'm sure they do.</p> <p>10 Q. And when you say you're sure, why</p> <p>11 do you say that?</p> <p>12 A. I mean, after 5:00 when all</p> <p>13 employees go home, there's nobody up there</p> <p>14 enforcing a "no parking." So it basically</p> <p>15 would be free parking to whoever came in. I</p> <p>16 mean, I've never parked there, but I'm assuming</p> <p>17 that.</p> <p>18 Q. I think I'm sharing what's</p> <p>19 previously been marked as Exhibit D. Do I have</p> <p>20 that on the screen?</p> <p>21 A. Yes, sir.</p> <p>22 Q. Okay. And so we see the Lafayette</p> <p>23 County -- I'm going to say "chancery</p> <p>24 building" -- in the middle of the screen. And</p> <p>25 south on Monroe Avenue, there are parking</p>

<p style="text-align: right;">Page 90</p> <p>1 CHAD MCLARTY</p> <p>2 slots. Is that parking that's associated with</p> <p>3 the chancery building?</p> <p>4 A. No, sir. It's city-owned.</p> <p>5 Q. That's city-owned. Do people park</p> <p>6 there after 5:00?</p> <p>7 A. It's paid parking, but yeah.</p> <p>8 Q. Okay. And then so I'm on the east</p> <p>9 side of the building now, and I see parking</p> <p>10 spots. Is that the chancery building parking</p> <p>11 spots?</p> <p>12 A. That is correct.</p> <p>13 Q. And do people park there after</p> <p>14 5:00?</p> <p>15 A. Like I said previously, I'm</p> <p>16 assuming. I've never parked there.</p> <p>17 Q. Free parking --</p> <p>18 A. Correct.</p> <p>19 Q. -- is cherished after 5:00, isn't</p> <p>20 it?</p> <p>21 A. It is.</p> <p>22 Q. Okay. And looking on the north</p> <p>23 side of the chancery building, there's another</p> <p>24 parking lot. Can you tell me about that?</p> <p>25 A. That's Lafayette County property.</p>	<p style="text-align: right;">Page 91</p> <p>1 CHAD MCLARTY</p> <p>2 It's -- that parking lot on the north side is</p> <p>3 structured for the constituents to come in and</p> <p>4 pay their tax bills or whatever other business</p> <p>5 they have in the chancery building. It's free</p> <p>6 of charge. Some of them have signs dedicated</p> <p>7 for employee parking on the far north side.</p> <p>8 Everything to the south side of the parking lot</p> <p>9 is for taxpayers of Lafayette County.</p> <p>10 Q. And do people park there after</p> <p>11 5:00?</p> <p>12 A. Yes, sir, they do.</p> <p>13 Q. Now, when we go due north just on</p> <p>14 the northern edge, there is a structure that's</p> <p>15 called Graduate Oxford. Do you know what that</p> <p>16 is?</p> <p>17 A. It's a hotel.</p> <p>18 Q. And what do you know about that</p> <p>19 hotel?</p> <p>20 A. I mean, it's a fairly nice hotel.</p> <p>21 I've been upstairs and ate at the restaurant.</p> <p>22 That's all I can tell you. I've never stayed</p> <p>23 there.</p> <p>24 Q. Do you know whether it's a</p> <p>25 desirable place to stay for alumni coming into</p>
<p style="text-align: right;">Page 92</p> <p>1 CHAD MCLARTY</p> <p>2 town for games and things like that?</p> <p>3 A. I would assume, yes, sir. It's</p> <p>4 close to the square.</p> <p>5 Q. And it's pretty swanky, isn't it?</p> <p>6 A. Yes, sir.</p> <p>7 Q. Now, up here, you see the little</p> <p>8 orange dot and a little pink dot?</p> <p>9 A. Yes, sir.</p> <p>10 Q. Do you know whether there's a bar</p> <p>11 up there?</p> <p>12 A. There's a bar and a restaurant. I</p> <p>13 believe it's called the -- maybe The Coop. I'm</p> <p>14 not -- I don't really remember the name, but, I</p> <p>15 mean, I've been in it.</p> <p>16 Q. It's upstairs and part of it is</p> <p>17 open air; isn't that correct?</p> <p>18 A. Rooftop, yes, sir.</p> <p>19 Q. Yeah. And, again, going back to</p> <p>20 this little corner that says, Search Google</p> <p>21 Maps, and we've got the parking lot. This is</p> <p>22 where the new parking tower is located; is that</p> <p>23 correct?</p> <p>24 A. It's a parking garage, yes, sir.</p> <p>25 Q. Parking garage. And about 800 cars</p>	<p style="text-align: right;">Page 93</p> <p>1 CHAD MCLARTY</p> <p>2 will fit in there? Did I recall that?</p> <p>3 A. I would estimate closer to 500, but</p> <p>4 that's just me throwing out a number.</p> <p>5 Q. Okay. Now, do you think there are</p> <p>6 pedestrian issues up and down North Lamar</p> <p>7 sometimes at nighttime because of the cars that</p> <p>8 are parked over in this northeast corner</p> <p>9 because we've got a popular bar in the Graduate</p> <p>10 of Oxford -- I'm sorry, that's northwest</p> <p>11 corner -- northeast corner. And we've got The</p> <p>12 Blind Pig down here in the southwesterly</p> <p>13 corner?</p> <p>14 A. Mr. Williams, the difference</p> <p>15 between -- my answer would be no. I mean,</p> <p>16 because if you're trying to compare it to the</p> <p>17 courthouse square, it's -- it's not even the</p> <p>18 same ball game. Your line of sight is a whole</p> <p>19 lot better on North Lamar. Your lighting is</p> <p>20 better. There's only three crosswalks: one at</p> <p>21 Jefferson, one at Monroe, and one in between</p> <p>22 the chancery building and the coffee place.</p> <p>23 You come around that square, and it's</p> <p>24 completely different line of sight. The</p> <p>25 lighting is not where it needs to be. It's</p>

<p style="text-align: right;">Page 94</p> <p>1 CHAD MCLARTY</p> <p>2 like comparing apples to oranges to me.</p> <p>3 Q. So let's return back to Exhibit C.</p> <p>4 And we're looking at the Lafayette County</p> <p>5 courthouse from a satellite view.</p> <p>6 A. Yes, sir.</p> <p>7 Q. What about the closure of the</p> <p>8 courthouse grounds at dusk prevents anybody</p> <p>9 from using the crosswalks from the outside</p> <p>10 perimeter of the square to get onto the</p> <p>11 sidewalks that surround the courthouse?</p> <p>12 A. I mean, if you're talking about</p> <p>13 gaining -- whether wrought iron fencing is --</p> <p>14 the sidewalks are on the outside of the wrought</p> <p>15 iron fencing. So, I mean, they could still</p> <p>16 technically walk around the outside of the</p> <p>17 fencing.</p> <p>18 MR. O'DONNELL: Jack?</p> <p>19 MR. WILLIAMS: Yes, sir.</p> <p>20 MR. O'DONNELL: I'm not sure</p> <p>21 where you are in your exam, but now</p> <p>22 it's the lunch hour. Do you want</p> <p>23 to just press through, or do you</p> <p>24 want to take a break?</p> <p>25 MR. WILLIAMS: I probably</p>	<p style="text-align: right;">Page 95</p> <p>1 CHAD MCLARTY</p> <p>2 have about 30 minutes, tops. But I</p> <p>3 need to take a short break, anyway,</p> <p>4 because my body is being my body.</p> <p>5 MR. O'DONNELL: I prefer to</p> <p>6 press on if you've got 30 minutes.</p> <p>7 We can take a short break.</p> <p>8 MR. WILLIAMS: Well, let's do</p> <p>9 that, then.</p> <p>10 THE VIDEOGRAPHER: We are off</p> <p>11 the record. The time is 11:56 a.m.</p> <p>12 (Recess from 11:56 a.m. to</p> <p>13 12:07 p.m.)</p> <p>14 THE VIDEOGRAPHER: We are</p> <p>15 back on the record. The time is</p> <p>16 12:07 p.m.</p> <p>17 BY MR. WILLIAMS:</p> <p>18 Q. I'm not trying to keep y'all in</p> <p>19 suspense. I'm just trying to gather all of my</p> <p>20 documents. I should be sharing Exhibit C</p> <p>21 again, which is the zoomed-in satellite view of</p> <p>22 the courthouse. Is that on the screen?</p> <p>23 A. Yes, sir.</p> <p>24 Q. Okay. Now, let me make certain</p> <p>25 that I understand entrances to the courthouse.</p>
<p style="text-align: right;">Page 96</p> <p>1 CHAD MCLARTY</p> <p>2 There is an entrance on the south side of the</p> <p>3 Lafayette County courthouse looking out onto</p> <p>4 South Lamar boulevard, correct?</p> <p>5 A. Correct.</p> <p>6 Q. And it's a -- I can't remember how</p> <p>7 many doors there are. It's a true entrance,</p> <p>8 right?</p> <p>9 A. Yes, sir. It's dual doors.</p> <p>10 Q. So there's also another set of</p> <p>11 doors on the north side of the courthouse;</p> <p>12 isn't that correct?</p> <p>13 A. Correct.</p> <p>14 Q. And they are double doors also,</p> <p>15 correct?</p> <p>16 A. That's correct. There are two more</p> <p>17 doors on the north side, if I remember</p> <p>18 correctly, but they're not for public entrance.</p> <p>19 Q. I may be wrong, but I think one of</p> <p>20 those doors is the doors that the circuit court</p> <p>21 judges can use to get up to their chambers and</p> <p>22 into the courtroom, and another one may be</p> <p>23 where prisoners are escorted into and outside</p> <p>24 of the building.</p> <p>25 There is a -- I'm going to use</p>	<p style="text-align: right;">Page 97</p> <p>1 CHAD MCLARTY</p> <p>2 "courtyard," for lack of a better word. There</p> <p>3 is some grassy space on the north side of the</p> <p>4 courthouse outside those -- the northerly</p> <p>5 steps. That's correct, isn't it?</p> <p>6 A. Yes, sir.</p> <p>7 Q. And isn't there a flagpole there?</p> <p>8 A. Yes, sir. Two of them.</p> <p>9 Q. Okay. Do you recall whether there</p> <p>10 are ever any ceremonies conducted there</p> <p>11 honoring either law enforcement officers or the</p> <p>12 military?</p> <p>13 A. One that sticks out to me is the</p> <p>14 fallen law enforcement officer thing they do</p> <p>15 every year. I know we have it on the north</p> <p>16 lawn of the courthouse, if the weather is</p> <p>17 permitting.</p> <p>18 Q. And approximately how many people</p> <p>19 gather for that?</p> <p>20 A. Best guess, 50, maybe. 40, 50.</p> <p>21 Q. Do they fit safely on the north</p> <p>22 lawn?</p> <p>23 A. Yes, sir.</p> <p>24 Q. About how long does that ceremony</p> <p>25 take?</p>

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1 CHAD MCLARTY
2 A. 20 or 30 minutes, at best.
3 Q. And court business continues while
4 that ceremony is taking place?
5 A. Out of respect for that ceremony,
6 all of the court stops and comes and attends.
7 Q. That would certainly make sense.
8 Are there any other events that you know of
9 that take place on the north lawn?
10 A. That's the only one that I can
11 think of, Mr. Williams.
12 Q. Have you ever heard of an Easter
13 bunny appearing for kids and their families on
14 that north lawn?
15 A. Well, like I said, my kids are a
16 lot older. I do not recall that.
17 Q. What about a Santa Claus?
18 A. I don't really recall Santa Claus
19 appearing on the north lawn. I'm not saying he
20 hasn't. There was one group -- I remember a
21 sleigh being out there. I don't know how that
22 came about. I didn't ask any questions. I
23 didn't see a big issue with it.
24 Q. I wonder if there was a photo
25 opportunity.

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1 CHAD MCLARTY
2 correct?
3 A. That is correct.
4 Q. Do you know how the budget
5 accommodates that varying demand?
6 A. Without looking at it, I mean, I
7 think there's a line item, like you said, for
8 overtime. But, you know, how he comes up with
9 that equation of how much money he needs in
10 that budget for extra man hours, you would have
11 to ask the sheriff. You know, I'm going to say
12 that, basically, his budget, as far as salary
13 is related, is just strictly the base salary of
14 the employee times whatever is his budget, with
15 a little bit of contingencies for overtime.
16 Q. Have there ever been occasions when
17 he's come to the board of supervisors and asked
18 for additional funding to provide deputies to
19 cover unforeseen events?
20 A. I don't recall him per se asking
21 the board of supervisors. He may have come to
22 the county administrator and asked if he had
23 enough money in his budget allocated to cover
24 different additional man hours. In the budget
25 itself, you can always move money around,

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1 CHAD MCLARTY
2 A. I'm sure there was, but I wasn't
3 there.
4 Q. How does the budgeting process for
5 the sheriff's department work?
6 A. I mean, it's -- the sheriff gives
7 his budget request to the county administrator.
8 The board of supervisors review it, and, you
9 know, we try to figure out ways to finance his
10 budget without increasing millage. I mean,
11 sometimes he gets what he wants; sometimes he
12 doesn't. Unfortunately, we're not like the
13 federal government. We just can't print money.
14 Q. Does the budget include a line item
15 for overtime for deputies and other law
16 enforcement officers who are part of the
17 sheriff's department?
18 A. Well, I don't have the budget in
19 front of me right now. That budget is massive
20 in itself. I would be -- without looking at
21 it, I really can't answer that question. And
22 as far as him particularly asking for X amount
23 of overtime in his budget, I don't recall.
24 Q. Well, there are some times when
25 more feet are needed on the ground than others,

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1 CHAD MCLARTY
2 whether you take a car out of the budget or if
3 you don't buy a couple of rifles. I mean, the
4 county administrator and the sheriff can do
5 that in-house most of the time on small
6 budgetary items like that. They would not get
7 us involved unless it was a massive -- a pretty
8 good sizable amount of money.
9 Q. Do you know how overtime is paid to
10 deputies?
11 A. I do not.
12 Q. Do you recall an instance where the
13 sheriff caused a bill to be sent either to the
14 city or the University of Mississippi for the
15 cost of manpower associated with providing --
16 "security" is not the word that I'm looking
17 for -- for ensuring that the University of
18 Mississippi athletes' procession from the
19 Confederate statue on the courthouse grounds,
20 south on Lamar, and then east on University to
21 the old National Guard armory -- I've lost my
22 train of thought. Let me rephrase that.
23 You know the march that I'm talking
24 about, right?
25 MR. O'DONNELL: I was going

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1 CHAD MCLARTY

2 to object, Jack, but I think you

3 fixed my objection.

4 MR. WILLIAMS: I'm usually

5 pretty good at keeping a train of

6 thought going, but, boy, that one

7 went off the tracks.

8 BY MR. WILLIAMS:

9 Q. So you are familiar with the

10 athletes' march from the Confederate soldier on

11 the courthouse grounds, down Lamar, and over to

12 the pavilion on University Avenue, correct?

13 A. I am familiar with the march. I

14 don't know which direction they went after they

15 left the Confederate memorial.

16 Q. Are you aware that the sheriff

17 caused an invoice to be submitted, either to

18 the university or the city, for the cost of the

19 additional manpower?

20 A. Yes, sir. He copied me on the

21 email.

22 Q. Okay. Has that ever happened

23 before that you know of?

24 A. Not that I'm aware of in my tenure

25 as county supervisor, no. We have discussed it

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1 CHAD MCLARTY

2 was -- the thorn in his side was that he was

3 not given advance notice. And they were on

4 courthouse property without a permit.

5 Q. Do you know Anthony Hervey?

6 A. I know of him.

7 Q. Do you know who he was?

8 A. Yes, sir.

9 Q. And who was he?

10 A. He was a black man that sat in

11 front of the Confederate memorial for years and

12 years, holding a Confederate flag.

13 Q. Okay. I'm sharing a screen, and

14 it's a YouTube screen. It's on the Local

15 Voices channel. And the person who took this,

16 if she has not, she's going to submit a little

17 affidavit, stating that it's authentic. But

18 I'm going to play this real quickly.

19 (Video played.)

20 BY MR. WILLIAMS:

21 Q. Did you observe that personally?

22 A. No.

23 Q. Do you know anyone who did?

24 A. No, sir.

25 Q. Do you know of any other funeral

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1 CHAD MCLARTY

2 before, but I don't think we've ever actually

3 sent a bill to anybody.

4 Q. And in what context have you

5 discussed it before?

6 A. I knew you was going to ask me

7 this. I really don't remember the -- what

8 happened, and I'm not saying it was related to

9 the sheriff's department. I'm just saying as

10 far as sending an invoice to the City of Oxford

11 for something that we felt paid -- that they

12 owed us. So maybe let me rephrase and back up.

13 As far as the sheriff's office is concerned, as

14 far as additional manpower, no. I've never had

15 a discussion about that.

16 Q. What is your understanding as to

17 why an invoice was submitted in this instance?

18 A. My understanding, from what

19 Sheriff East told me, was that there was no

20 time given to the sheriff, that it happened

21 very quickly, and he was not prepared for that

22 many student athletes to be congregated around

23 the Confederate memorial out in the street.

24 There was a huge safety issue as far as them

25 blocking traffic. And I believe that was what

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1 CHAD MCLARTY

2 procession that has been led in front of the

3 Confederate statue with Civil War reenactors

4 marching, singing Dixie?

5 A. Not to my knowledge, no, sir.

6 Q. There was a sheriff's department

7 car leading the procession, correct?

8 A. That's correct.

9 Q. Do you know whether the sheriff's

10 department billed the survivors of Anthony

11 Hervey for any additional manpower necessary to

12 provide safety during that procession?

13 MR. O'DONNELL: Object to

14 form. You can answer if you know.

15 A. Mr. Williams, I'm not aware of any

16 monetary exchange between the Hervey family and

17 the sheriff's department. Out of common

18 courtesy and respect, the sheriff's office and

19 OPD always escorts any of the dead in this

20 community to their final resting place.

21 Q. Does that normally involve a foot

22 procession around the courthouse and the

23 square?

24 A. No, sir, it doesn't normally

25 involve that. But it was just a couple weeks

<p style="text-align: right;">Page 106</p> <p>1 CHAD MCLARTY</p> <p>2 ago, there was a young -- young kid, 17 years</p> <p>3 old, that got killed in a car accident, and his</p> <p>4 father worked for a truck -- a towing company.</p> <p>5 And they did a procession around the</p> <p>6 courthouse, and there were probably in excess</p> <p>7 of 150 tow trucks involved. So, I mean,</p> <p>8 there's always things that are going to happen,</p> <p>9 depending on who that person is.</p> <p>10 Q. Let's shift gears. The county has</p> <p>11 discussed contextualization of the monument; is</p> <p>12 that correct?</p> <p>13 A. Yes, sir.</p> <p>14 Q. And where does that stand right</p> <p>15 now?</p> <p>16 A. To be honest with you,</p> <p>17 Mr. Williams, it's been a long time ago. I</p> <p>18 would have to refer back to my board minutes to</p> <p>19 see if we actually approved it or didn't</p> <p>20 approve it. I actually don't recall.</p> <p>21 Q. Do you recall whether it's been</p> <p>22 discussed by the board in the last six months?</p> <p>23 A. I do not remember, per se, me being</p> <p>24 involved in any conversation in the last six</p> <p>25 months about contextualization.</p>	<p style="text-align: right;">Page 107</p> <p>1 CHAD MCLARTY</p> <p>2 Q. What about in the last year?</p> <p>3 A. I mean, you're asking me to go</p> <p>4 back. I don't recall.</p> <p>5 Q. Okay. Another historical topic</p> <p>6 that has been considered within the</p> <p>7 community -- and I believe at the county level,</p> <p>8 and correct me if I'm wrong -- is erecting a</p> <p>9 plaque memorializing African-Americans who were</p> <p>10 lynched in Lafayette County; is that correct?</p> <p>11 A. That's correct.</p> <p>12 Q. And what is the status of that</p> <p>13 presently?</p> <p>14 A. We meet with that committee at our</p> <p>15 next board meeting, which will be Monday --</p> <p>16 Monday morning at 9:00. They're on the agenda.</p> <p>17 Q. Okay. Are there any outside</p> <p>18 advisors or consultants who are part of that</p> <p>19 group in addition to the members of the board?</p> <p>20 A. I mean, Mr. Rikard and</p> <p>21 Mr. Gillespie have met with the committee that</p> <p>22 is overseeing that project the last couple of</p> <p>23 times. Years ago, when -- two or three years</p> <p>24 ago, when they first started, myself and</p> <p>25 Mr. Busby met with that committee.</p>
<p style="text-align: right;">Page 108</p> <p>1 CHAD MCLARTY</p> <p>2 Q. And approximately how many years</p> <p>3 has that committee been meeting?</p> <p>4 A. At least two, maybe a little</p> <p>5 longer. But dealing with Archives and History</p> <p>6 is involved in that process.</p> <p>7 MR. WILLIAMS: David, did you</p> <p>8 ever have a case with Alex Alston</p> <p>9 out of Jackson?</p> <p>10 MR. O'DONNELL: I don't think</p> <p>11 so, Jack. I know who you're</p> <p>12 talking about. I don't believe so.</p> <p>13 MR. WILLIAMS: Well, I was</p> <p>14 lucky enough to work for him right</p> <p>15 out of law school. And whenever I</p> <p>16 attended a deposition with him and</p> <p>17 he would get to the end, he would</p> <p>18 say, let me talk to my lawyer,</p> <p>19 which meant he just wanted to</p> <p>20 consult with me.</p> <p>21 I think we're close to</p> <p>22 ending, but I would like to take a</p> <p>23 moment to speak with Josh, if</p> <p>24 that's okay with y'all.</p> <p>25 MR. O'DONNELL: Sure. It</p>	<p style="text-align: right;">Page 109</p> <p>1 CHAD MCLARTY</p> <p>2 will be fine.</p> <p>3 MR. WILLIAMS: Okay. So take</p> <p>4 10.</p> <p>5 THE VIDEOGRAPHER: We are off</p> <p>6 the record. The time is 12:37 p.m.</p> <p>7 (Recess from 12:37 p.m. to</p> <p>8 12:47 p.m.)</p> <p>9 THE VIDEOGRAPHER: We are</p> <p>10 back on the record. The time is</p> <p>11 12:47 p.m.</p> <p>12 MR. WILLIAMS: I have one</p> <p>13 housekeeping measure, but,</p> <p>14 Mr. McLarty, I have no further</p> <p>15 questions of you. I know that I've</p> <p>16 consumed a good part of your day,</p> <p>17 and I know that it's not fun having</p> <p>18 to be on your feet and think so</p> <p>19 hard. And I thank you for giving</p> <p>20 me the time and your attention</p> <p>21 today.</p> <p>22 THE WITNESS: I appreciate</p> <p>23 you taking it easy on me.</p> <p>24 MR. WILLIAMS: You know, I</p> <p>25 practiced in Texas for a while.</p>

<p style="text-align: right;">Page 110</p> <p>1 CHAD MCLARTY</p> <p>2 Those people are hard-asses. We're</p> <p>3 not in this part of the world. But</p> <p>4 I do want -- and this is just to</p> <p>5 make certain that the record is</p> <p>6 complete. I do want to add one</p> <p>7 thing to the record.</p> <p>8 I have just put a document in</p> <p>9 the chat box that's entitled,</p> <p>10 Funeral Procession Link.</p> <p>11 Ms. Duckett, have you</p> <p>12 received that?</p> <p>13 (Exhibit N was marked for</p> <p>14 identification.)</p> <p>15 MR. WILLIAMS: Okay. And I'm</p> <p>16 just going to share the screen real</p> <p>17 quickly so y'all can see what I've</p> <p>18 added. It's simply a screenshot of</p> <p>19 the page -- of the splash page for</p> <p>20 the video that we just watched.</p> <p>21 And I just want to make certain</p> <p>22 that the record reflects the video</p> <p>23 we watched and where to find it.</p> <p>24 And so with that said --</p> <p>25 MR. O'DONNELL: Jack, this is</p>	<p style="text-align: right;">Page 111</p> <p>1 CHAD MCLARTY</p> <p>2 your placeholder for the video?</p> <p>3 MR. WILLIAMS: Well, I think</p> <p>4 we're just going to submit the</p> <p>5 video with an affidavit. But that</p> <p>6 would work, too.</p> <p>7 MR. O'DONNELL: I understand.</p> <p>8 So the screenshot is not in and of</p> <p>9 itself an exhibit. It's reflective</p> <p>10 of the video or represents the</p> <p>11 video.</p> <p>12 MR. WILLIAMS: Yes. It is --</p> <p>13 it's memorialization. Does that</p> <p>14 make sense?</p> <p>15 MR. O'DONNELL: Yes.</p> <p>16 MR. WILLIAMS: Okay.</p> <p>17 MR. O'DONNELL: So do you</p> <p>18 have an exhibit number?</p> <p>19 MR. WILLIAMS: Pardon?</p> <p>20 MR. O'DONNELL: It has an</p> <p>21 exhibit number, right?</p> <p>22 MR. WILLIAMS: It does not,</p> <p>23 but, Ms. Duckett, will you make it</p> <p>24 Exhibit N.</p> <p>25 Okay. And with that, I have</p>
<p style="text-align: right;">Page 112</p> <p>1 CHAD MCLARTY</p> <p>2 no further questions of you today,</p> <p>3 Mr. McLarty, and I tender the</p> <p>4 witness.</p> <p>5 MR. O'DONNELL: And I just</p> <p>6 have a couple of questions, just to</p> <p>7 clarify.</p> <p>8 EXAMINATION</p> <p>9 BY MR. O'DONNELL:</p> <p>10 Q. Mr. McLarty, you were shown early</p> <p>11 on this morning a photo of a little girl eating</p> <p>12 yogurt at night. The photo depicted a</p> <p>13 Christmastime scene. Assuming that that photo</p> <p>14 was taken in December of 2020, would the fact</p> <p>15 that the girl was on the courthouse grounds at</p> <p>16 night be a violation of the county's closure</p> <p>17 policy?</p> <p>18 A. Yes, it would.</p> <p>19 Q. And you were also asked a question</p> <p>20 about the use of -- nighttime use of -- by a</p> <p>21 pedestrian -- of the exterior sidewalk, that is</p> <p>22 the sidewalk outside the fencing along the</p> <p>23 courthouse perimeter. If someone was using</p> <p>24 that exterior sidewalk at night, would that</p> <p>25 violate the county's closure policy?</p>	<p style="text-align: right;">Page 113</p> <p>1 CHAD MCLARTY</p> <p>2 A. Yes, it would. I misspoke earlier.</p> <p>3 MR. O'DONNELL: That's all I</p> <p>4 have, Jack.</p> <p>5 MR. WILLIAMS: I have no</p> <p>6 further questions.</p> <p>7 THE VIDEOGRAPHER: This</p> <p>8 concludes today's questioning. We</p> <p>9 are off the record. The time is</p> <p>10 12:54 p.m.</p> <p>11 COURT REPORTER: Counsel,</p> <p>12 would you like the same orders you</p> <p>13 have been getting?</p> <p>14 MR. WILLIAMS: Yes.</p> <p>15 MR. O'DONNELL: Yes.</p> <p>16 (The deposition of CHAD</p> <p>17 MCLARTY concluded at</p> <p>18 12:54 p.m.)</p> <p>19 * * * * *</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

CHAD MCLARTY

REPORTER'S CERTIFICATE

I, Greta H. Duckett, Certified Court

Reporter, Registered Professional Reporter, and

Certified Realtime Reporter, hereby certify

that on Friday, January 15, 2021, I reported

the remote deposition of CHAD MCLARTY, who was

first duly sworn or affirmed to speak the truth

in the matter of the foregoing cause, and that

the pages herein contain a true and accurate

transcription of the examination of said

witness by counsel for the parties set out

herein.

I further certify that I am neither of

kin nor of counsel to any of the parties to

said cause, nor in any manner interested in the

results thereof.

This 28th day of January, 2021.

Greta Duckett

GRETA H. DUCKETT, RPR, CRR, CVR-S, RVR-M-S

ACCR-12, GCCR-2891, MCCR-1945, TNLCR-671

ERRATA SHEET

Case Name:

Deposition Date:

Deponent:

Pg. No. Now Reads Should Read Reason

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Signature of Deponent

SUBSCRIBED AND SWORN BEFORE ME

THIS ___ DAY OF ___, 2021.

(Notary Public) MY COMMISSION EXPIRES: _____

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